

THE ATLANTIC MONTHLY

APRIL, 1931

FINCH'S FORTUNE

A Novel

BY MAZO DE LA ROCHE

I

NICHOLAS and Ernest Whiteoak were having tea together in Ernest's room. Ernest thought he felt one of his colds coming on and he feared to expose himself to the drafts of passage and hall in such weather. He had had tea brought up to him, therefore, and had asked Nick to join him. They sat before the open fire with the tea table between them — Ernest's cat sitting with paws curled under her breast and eyes narrowed against the blaze, close to her master's feet, and Nicholas's Yorkshire terrier, flat on his side, twitching in a dream. The brothers divided their attention between their tea and their pets.

'He's a bit off color,' observed Nicholas, his eyes on Nip. 'He has n't begged.'

Ernest regarded the little dog critically. 'He does n't get enough exercise. Why, he scarcely leaves your side. He's getting tubby. That's the worst of terriers. They always get tubby. How old is he?'

'Seven. Just in his prime. I can't see that he's tubby.' Nicholas spoke testily. 'It's the way he's lying.

He may have a little wind on his stomach.'

'It's lack of exercise,' persisted Ernest. 'Now look at Sasha. She's fourteen. She's as elegant as ever, but then she goes off by the hour, even since this last snowfall. Only this morning she brought a mouse from the stables. Tossed it up and played with it, too.'

He dropped his hand, and his white fingers rested for a moment on the cat's tawny head.

Nicholas responded without enthusiasm. 'Yes. That's the cold-blooded thing about cats. They'd slink off to catch mice or have a disgusting love affair if their master were dying.'

'Sasha does n't have disgusting love affairs,' answered his brother with heat.

'What about that last kitten of hers?'

'There was nothing disgusting about that.'

'There was n't! She had it on your eiderdown.'

Ernest felt himself getting angry, and that was bad for his digestion. The recalling of that morning when Sasha, with a cry of triumph, had deposited her young on his bed (and he

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in it!) upset his nerves. He forced himself to say coldly:—

‘I don’t see what Sasha’s kitten has to do with Nip’s getting tubby.’

Nicholas had broken his last bit of scone in his tea. Now he carried it in his spoon to his mouth and almost immediately swallowed it. Why did he do that, Ernest wondered. How often their ancient mother had irritated them by this very habit! And now Nicholas was taking it unto himself! If only Nicholas would imitate Mamma’s fine qualities, of which there were so many — but no, it was always what he himself had deplored in her lifetime that he reproduced. And there was just enough resemblance — the shaggy brows, the long Court nose — to give Ernest a queer sinking sensation.

They were well past seventy, and the shadow of their fierce old mother still dominated them. Snowflakes flattened themselves against the window-pane, clung there. Other snowflakes fell on these and clung. They were shutting the world out, wreathing themselves like a white muffler about the house. A quantity of drifted snow slid from the roof and was deposited on the window sill, with a soft thud. The shadow of the old mother was shut in the room with them.

The brothers heard the front door bang and listened attentively. On these long midwinter afternoons, when it grew dark so early, the comings and goings of the younger members of the family were of intense interest.

They heard strong steps mounting the stairs, then Nicholas, standing in the doorway, regarded with approval the advancing figure. It was the eldest of their five nephews — Renny Whiteoak — and he arrived in an envelope of air so icy that Ernest, with a gesture of self-preservation, put up his hand.

‘Do you mind, Renny, not coming

too close to me? One of my colds threatening.’

‘Well, well, that’s too bad.’ Renny crossed the room, leaving two heel-prints of snow on the rug, and stood on the opposite side of the fireplace. He looked down at his uncle with sympathy. ‘How do you think you got it?’

‘I did n’t say I’d got it!’ Ernest spoke irritably. ‘I said it was threatening.’

‘Oh! What you need, then, is a good dose of rum and hot water.’

‘That’s what I tell him,’ agreed Nicholas, letting himself down into his chair, which creaked under him, ‘but he always fusses more about his digestion than he does about his health.’

‘My digestion *is* my health,’ retorted his brother. ‘But let us talk of something else. Have you had your tea, Renny?’

‘In my office. There was a new foal coming and I did n’t want to leave.’

‘I remember. Cora was going to have one. How did she get along?’

‘Splendidly. She has never done so well before. She’s frightfully proud of herself. When I went to her the last time she tried to tell me all about it. She stopped nozzling the foal and rolled her eyes at me and went “Ho-ho-ho-ho!” — like that.’ Renny gave a not unsuccessful imitation of a loved mare’s greeting to her master after a triumphant delivery.

The uncles gazed up at him, across the thirty-odd years that separated them from him, with the tolerant amusement, the puzzled admiration, he always inspired in them. He was so different from what they had been at his age. They had been lovers of fine horseflesh, but not horsy. They had been living in England at that time and had never missed the races; Nicholas had kept a quite ‘dashing’

pair of carriage horses, had been a bold hand with the reins, had kept a handsome Dalmatian to run beside the glittering enamel of the carriage wheels; but to have spent a winter's afternoon in a stable for the consolation of a mare in her labor would have been abhorrent to them. They saw Renny wiry, in rough tweeds, snow melting on his heavy boots, his knuckles looking chapped, as he spread his hands to the fire, his red hair in a defiant crest above his thin, highly colored face. They saw that face wary, passionate, kindled by the vitality within, as the flames played over it, intensifying and sharpening it.

'Well, well,' rumbled Nicholas, 'that is good news.'

'Are you sure you won't have some tea?' asked Ernest.

'No, thanks. Rags brought a plate of buttered toast to my office and a pot of tea strong enough to raise your hair.'

Ernest thought of the office, in a corner of the stables, its yellow oak desk, where were preserved the pedigrees of horses, overdue bills from the veterinary, newspaper cuttings concerning horse races and shows, and carefully kept accounts of sales. He thought of the bright lithographs of famous horses on the walls, the hard chairs, the bareness, the chill, the unyielding discomfort. He shivered. Yet he knew that Renny had consumed his clammy toast and bitter tea there with the satisfaction with which a plumber might devour his lunch in a flooded kitchen. A queer fellow, but a fine fellow, too. Hot-tempered, willful. 'A perfect Court,' as his grandmother used to say, who herself had been a perfect Court. They had been a family who had glorified their faults under blazing banners of tradition.

Renny sat down and lighted a cigarette. Nicholas took out his pipe. The sound of a piano came faintly

from below. Renny turned his head, as though to listen; then he said, with a note of embarrassment in his voice:—

'He's got a birthday coming. Young Finch, I mean.' And he added, looking straight into the fire, 'He'll be twenty-one.'

Nicholas pressed the tobacco into the bowl of his pipe with his finger. He made little sucking noises, though it was not yet lighted. Ernest said eagerly:—

'Yes, yes — by George, I'd forgotten! How the time goes! Of course, he'll be twenty-one. Hmph . . . yes. . . . It seems only the other day when he was a little boy. Not so very long ago since he was born.'

'Born with a caul,' mumbled his brother. 'Lucky young devil! Good Lord, he's had luck, has n't he?'

Nicholas made no effort to keep the heaviness out of his voice, no pretense of raising his head above the long wave of disappointment that, ever since the reading of his mother's will, had submerged him at intervals. He had no need to be reminded of the date of Finch's coming of age. It stood out as the day of sunny fulfillment for the boy, through the darkness of his own eclipse. 'He'll be coming into his money, eh?'

Ernest thought, 'It's up to me to be cheerful about this birthday. We must not seem bitter or grudging. But Nick's so selfish. He acts just as though he had been perfectly sure of the money, when really Mamma was more likely to leave it to me. Or even Renny. I was quite prepared to hear that it would be Renny's.'

He said, 'There must certainly be some sort of celebration. A party — or treat of some kind — for Finch.' He still thought of Finch as a school-boy.

'I should say,' said Nicholas, 'that the hundred thousand itself is treat enough.'

Renny broke in, ignoring the last remark. 'Yes. That's what I've been thinking, Uncle Ernie. We ought to give him a dinner — just the family, and one or two friends of his. You know —' He knotted his reddish brows in the effort to express the subtle convictions of his mind.

'I know,' interrupted Nicholas, 'that Piers had no party when he came of age.'

'He was up North on a canoeing trip at the time.'

'Nor Eden!'

'He'd just been suspended for six weeks from Varsity. Likely I'd give him a party! There were great doings when Meggie and I were twenty-one.'

'Meggie was the only daughter, and you were the eldest son and heir to Jalna.'

'Uncle Nick, do you seriously mean that you don't want any notice taken of the boy's birthday?'

'N-no. But, why pretend to rejoice over his coming into what all three of us had hopes of inheriting — more or less?'

'Then, I suppose, if I had got Gran's money, you'd have —'

'No, I should n't. I'd have been comparatively satisfied — if either you or Ernest . . .'

Ernest spoke, with a tremor of excitement in his voice. 'Now, I'm quite with Renny in this. I think we should do something really nice for Finch. We were all of us pretty hard on him when we heard that he'd got everything.'

Renny jerked out, 'I was n't!'

Nicholas muttered, 'I don't remember you congratulating him.'

'I could scarcely do that with the rest of the family on its hind legs tearing its hair!'

After the impact of Renny's voice — metallic when raised — there was a space of silence, through which came

insistently from below the sound of the piano. The three were mentally reconstructing the hour when the family on 'hind legs' had created a memorable scene with the poor piano player as its centre.

Wragge, a white-faced, small-nosed cockney, with a jutting chin and impudent mouth, came in, carrying a lighted lamp. The lamplight fell on the shiny sleeves and shoulders of the black coat he always wore after his morning's work was done. 'Rags,' as he was called by Renny and his brothers, half affectionately, half in derision, had been brought to Canada with Renny after the War, and had married, almost on the day of arrival, another Londoner, a cook of no mean powers but with a taste for spirits and heated controversy. The pair were so firmly established at Jalna as cook-general and house-parlorman that the disapproval of the uncles and the genuine dislike of Renny's wife had no power to undermine their position.

Wragge had been Renny's batman when he had been an officer in the Buffs, and a bond, seldom made manifest except in furtive, almost conspiratorial glances, existed between them. Renny liked Mrs. Wragge's cooking; he liked her red, aggressive face and stout body presiding in the brick-floored basement kitchen. He liked Wragge. And Wragge had the cocksure attitude of the unscrupulous servant who knows that his situation is secure.

He placed the lamp on the table and drew the curtains, then turned away and picked up the tea tray. He did not close the door behind him, but made way for two people who were just coming into the room. These were Piers and his little son Maurice, who rode on his shoulder. 'Mooley,' as they called him, shouted, as he reached the fireside group: —

'I've got a norse to wide! I've got a nish 'orsie!'

'Good boy,' said Nicholas, taking a little dangling foot in his hand.

Ernest remarked, 'He does not speak as nicely as Wakefield did at his age. Wakefield always spoke beautifully.'

'Because he's always been such a conceited little devil,' said Piers, setting his small son on the arm of Nicholas's chair, from where he scrambled on to his great-uncle's big relaxed body, repeating, 'I've got a norsie to wide!'

'Now, now,' admonished Piers, 'less noise.' Piers, like Renny, showed the vigor of an outdoor life, but his skin had the fresh fairness of a boy's, and his full lips had a boyish curve, half sweet, half stubborn, that could harden into a line of cruel contempt without changing the expression of his bold blue eyes.

'I wish,' said Ernest, 'that you would shut the door, Piers. Between the noise of the piano and the noise of the child, and the draft from the stairway and the fire being almost out, I feel my cold getting worse.'

Cornering him, Renny observed, 'I thought you said the cold was only threatening.'

Ernest flushed slightly. 'It *was* only threatening. Now it's here.' He took out a large white silk handkerchief and blew his nose with an aggressive toot.

The piano below broke into a tempestuous Hungarian dance.

'I'll shut the door!' cried Mooey, and he scrambled down, ran across the room, and pushed the door so that it closed with a bang.

Ernest was fond of his nephews, he was fond of his little grandnephew, but he wished they had not chosen this particular evening for congregating in his room. He thought rather resentfully of the number of afternoons when he sat alone, unless he went

down to the drawing-room — when even Nicholas did not come to keep him company. Now, just when he was feeling rather off color, they were crowding in. If one came, others were always sure to follow.

Then there was this troubling question of Finch's birthday party. He did not see any sense in it. He, like Nicholas, thought that a fortune of one hundred thousand dollars was treat enough in itself. Considering, of course, the way the lad had come by it. Mamma's leaving it to him had been such a surprise, such a shock, that to make Finch's coming of age a moment for festivity seemed too cruel.

Yet, there was another way of looking at it. Might not the excitement of a party help to drown the bitterness of the moment for Finch's elders, as the clamor of a wake smothers the sorrow of the bereaved? Might they not well join their hands and sing, 'For he's a jolly good fellow,' even while in their hearts they mourned, 'Oh, sorrow, sorrow the day'? He grasped the nettle, as was his wont when driven to it, and, raising his eyes to Piers's face, said calmly: —

'We've just been discussing some sort of celebration for Finch's coming of age. What would you suggest?'

Renny, with concentrated gaze, began to poke the fire. Nicholas turned his massive head and regarded his brother sardonically. So that was the way old Ernest was going to save his face! Well, let them see what Piers would say about it. Piers was a tough-fibred fellow; no damned sentiment about him.

Piers stood stock-still, his hands pushed into his pockets, considering the full import of the question. He knew by the way Renny beat the smouldering lump of coal in the grate, by the hunch of Uncle Nicholas's shoulders, by the nervously defiant

expression of Ernest, that the discussion had not been one of purely affectionate interest in the event. How could it be? He himself, though he had never said so, had had keen hopes of inheriting Gran's fortune. She had said to him time and again, 'You're the only one of the lot who looks like my Philip. You've got his eyes, and his mouth, and his back, and his legs. I'd like to see you get on in the world!' God, that had been something to go on, had n't it? But Finch, with his lanky form, his hollow cheeks, and the limp lock hanging on his forehead, had, somehow or other, wormed his way into Gran's affections, had got the money. How he had got it was a question now dead, and why dally with the corpse? The living fact was Finch's birthday; Finch's fortune dropping like ripe fruit, on that birthday, into the midst of the family.

He said, in his voice that had a ring of heartiness which made the laborers of the farm he rented from Renny put up with a good deal of arrogance from him: —

'I think it's a very good idea. As for the sort of thing, anything at all will please Finch. Just the idea of good will, and all that.'

Renny was glad of this unexpected support from Uncle Ernest and Piers. He would have given the dinner party in any case, but he preferred that the guests should not be unwilling. (Even Nicholas gave a grunt that might be taken for acquiescence.) He thought, 'We're closer together than anyone knows, far closer than anyone could know.'

Piers swayed a little, hands in pockets, and went on: 'We gave Finch rather a nasty time after the will was read. We were pretty rough on him. He went out and tried to drown himself, did n't he?'

'No need to drag that up,' said Renny.

Ernest clenched his hand and examined the whiteness of his knuckles. Nicholas pressed Mooey to him. Suddenly flames sprang from the fire, filling the room with warm color, turning Sasha, curled on the hearthrug, into a glowing golden ball.

'Well, there's just this need,' returned Piers; 'it reminds us that it's up to us to make him feel that that sort of thing's all done with. Make him feel that he's forgiven —'

Renny interrupted, 'There is n't anything to forgive.'

'Perhaps not. But you know what I mean. I know that all this year and a half — or whatever the time is — he's felt like a sneak —'

'And was n't he a sneak?' demanded Nicholas.

'Yes. Probably he was. But he's got the money. And he's as weak as water. If his family don't stand by him, there'll be lots of other people who'll make up to him. Mark my words, he'll go through Gran's money in no time. And do no good to anyone — not even himself.'

He broke off rather suddenly, halted by the expressions of the three others, who could see the door to which he had his back. The door had been hesitatingly opened and Finch's long face had looked around it.

'Hello, Unca Finch!' cried Mooey. 'I'm here!'

'Come in, come in, and shut the door!' said Ernest almost too heartily.

'We were just talking about you,' said Piers, cheerfully.

Finch stood with his hand on the door knob, a sheepish grin making his face less attractive than usual. 'I — I guess I won't come in, then.'

'Shall I tell him what we were saying?' Piers asked of Renny.

Renny shook his head. 'Time enough for that.' He moved along the settee to make room for Finch.

Finch dropped beside him, drew up one bony knee and clasped it in his long shapely hands. 'Well,' he said, 'it's been an awful day, has n't it? Lucky for me it's Saturday, so I had n't to go in to Varsity. How is your cold, Uncle Ernest?'

'Getting steadily worse.' Again he tooted his nose into his silk handkerchief.

'It has threatened, arrived, and grown steadily worse, all in the space of an hour,' said Nicholas, in a soft voice.

'I've got one too,' said Finch, and he coughed without restraint.

'You should n't have been hanging about the stables this afternoon,' said Renny.

'I got fed up with the house. Been in all day. Swotting.'

He was devoured by curiosity to know what they had been saying about him. He was sure they often talked of him; he had an uneasy and morbid sense of importance. He wished they would begin again. And yet he shrank, definitely and quiveringly, from being the centre of discussion. He was like a convert to Catholicism who dreads the confessional yet yearns for it all too frequently.

Renny was conscious of Finch's unease. Through their bodies, in contact on the settee, there passed a communion instinctive as the passage of a bird by night. As though to give the boy confidence, his elder pressed closer against him; then, lest that should seem like a caress, he turned to chaffing.

'You should have seen this fellow's face!' he exclaimed. 'He appeared in the door of Cora's stall just as she was dropping her foal. He was absolutely goggle-eyed. You'd have thought he'd been born only yesterday himself, he looked so shocked.'

'Look here!' cried Finch hotly.

'You know I always keep away from those things. I did n't know what was going on till I got there. I — it's just that I don't care about seeing —'

'Of course you don't,' comforted Renny. 'And you shan't! We'll not let you be frightened again.'

'Oh, hell! I was n't frightened! It was only so beastly — coming on it all so suddenly.'

Piers observed, 'You see, he had thought all along that colts were brought into the world like babies. He believed that the vet brought them in his Ford, with their manes all crimped and their tails tied up with ribbon, and a little celluloid bit in their mouths in place of a comforter!'

Finch joined, in spite of himself, in the burst of laughter at his expense.

Mooley sat up and looked from one strongly marked, laughing face to another. He declared, solemnly: —

'Oh, hell! I'm not f'rightened!'

His father stared at him. 'What's that you said?'

'I said —' He put his hands across his eyes and peeped between his fingers.

'Well, don't say it again!'

'He should not be sworn before,' remarked Ernest.

'Whose boy are you?' asked Nicholas, bouncing him.

'Yours!' shouted Mooley, reaching for Sasha's tail.

'Ah, ah, ah!' admonished Ernest. 'If you hurt the kitty, out you go!'

Renny looked at Piers.

'Tell him, if you like.'

'Tell him what?'

'About his birthday.'

If a bomb had been thrown at Finch he might have been less staggered. To be told about his birthday! That day which was advancing on him like a Juggernaut. That day when he would come into possession of that to which he could never feel that he had

the right. When he must, under the eyes of his uncles and brothers, take, as it were, the food out of their mouths. Though, in truth, none of them had seen the color of old Adeline's money for thirty years before she had died. All that time she had been hoarding it and living on Renny — and Renny's father before him.

'My — my birthday!' he stammered. 'What about it?'

Piers had been watching Finch's face. He had read his thoughts there as one might observe the shadows of frightened birds. He answered tolerantly: —

'Only that we're going to celebrate it. Give you a party of sorts. Is n't that the idea, Renny?'

Renny nodded, and Ernest said, 'Yes, we were talking about it before you came in. We thought a nice little dinner — some of your own friends — and Nicholas and I, if you don't think we're too old.'

'Champagne,' put in Nicholas, heavily. 'I propose to buy the champagne. And drink some, too, though it will play the devil with my gout.' Something in Finch's face had touched him. He gave the boy a smile that was not grudging.

They were not pulling his leg. They were not trying to make a fool of him. They were in dead earnest about the birthday party. Finch's throat contracted so that he could not speak for a moment. Then he got out: —

'Why — I say — it's frightfully good of you! I'd like it, of course. But, look here, if it's going to be much trouble or expense — please don't bother! But I'd like it, all right!'

But, even as he stammered the words, doubt assailed him. Could he really stand the strain of a party on that birthday? Would n't it be better if he were to sneak away so that the brazen glare of its sun might not beat

on him as the central object of its rising?

'Look here!' he cried. 'I don't think you'd better do it! I really don't think you'd better do it!'

'Why?' Four vigorous voices boomed the question at him.

'Because,' he almost whispered, 'I — I really think — I'd just like to spend the day quietly.'

He was not, at any rate, allowed to spend the next few minutes quietly. Laughter engulfed him, closed over him, submerged him. And when, at last, there was comparative silence again, he heard himself mumbling, with scarlet face: —

'Oh, well, if you really *want* to give a birthday party for me, you can do it! I don't give a darn.'

II

While the men of the family were gathered in the lamplight in Ernest's room, the two women of the family and the youngest brother, Wakefield, a boy of fourteen, were sitting in the twilight of the drawing-room below. The windows of this room faced south-west, so that a reluctant daylight still made the occupants visible to each other. Finch had been playing the piano to them before he had been drawn upstairs by the magnet which a group of the Whiteoaks in talk together invariably became to one of their number outside the circle.

'I don't see why he should have gone,' remarked Pheasant. 'It was so nice having him play to us in the twilight.' She had drawn her chair as close as possible to the window to catch the last light on the diminutive jersey she was knitting for Mooey. She felt rather than saw the way with the needles now, her cropped brown head drooping on her slender neck above them.

'It's the same old thing,' said Alayne, quietly. 'They can't keep away from each other. It's that amazing fascination they have for each other.' Then, remembering that Wakefield was curled up in a wing chair in a dim corner of the room, she added, with a constrained lightness in her tone, 'I've never known a family so attached.'

Wakefield asked, in the clear, probing voice of the precocious child:—

'Have you known many families, Alayne? You are an only child, and almost all the friends you ever talk about are only children. I don't see how you can know what other large families are like.'

'Don't be so cheeky, Wake,' said Pheasant.

'No, but truly,' he persisted, raising his face, a small white disk, in the shadow of the chair, 'I don't see how Alayne knows really *anything* about large-family life.'

'I know all that I need to know,' returned Alayne, with a little asperity.

'All you need to know for what, Alayne?'

'Why, for understanding this particular family. Its peculiarities and its moods.'

He was sitting cross-legged, his hands clasped before him, and he began to rock gently on his buttocks, as boredom gave place to enjoyment. 'But I don't think, Alayne, that understanding a family's peculiarities is all you need to understand when you've got to live with them like you've got to live with us, do you?'

'What is it that you think I should understand since I must live with you all?'

Continuing to rock himself, he answered, 'It's why we're so fond of each other and why we can't keep away from each other. That's what you ought to understand.'

'Perhaps you'll be good enough to explain it to me.'

He unclasped his hands and spread the fingers. 'I could n't possibly explain. I feel it, but I can't explain it. Does n't your woman's *infruition* tell you?'

Alayne forgave him his precocity, his impudence, for that exquisite mistake. She laughed delightedly. But Pheasant, not far from childhood herself, saw nothing amusing in the word. She said:—

'I think it's a very good word. It sounds like a very good psychological kind of expression.'

'I am wondering,' said Alayne, for she was rather tired of the little boy's presence in the room, 'why you don't go up to join the others. How can you be happy away from them?'

'I'm not happy,' he answered sadly. 'I'm just killing time. I'd join the other men like a shot, only that I'm not on speaking terms with any of them.'

'But why? What has happened?'

'Oh, just one thing and another.'

The twilight was turning to dusk, and Pheasant rose to light the squat lamp that stood on the centre table.

'Light the candles instead,' pleaded Alayne. 'Let us have something different for this evening.'

'Yes, do!' cried Wakefield. 'It may cheer us up. I like the candlelight.'

The candlelight, she thought, liked him. It played across the clear pallor of his face and in the brown depths of his eyes as though in a conscious caress. It had a mind to Pheasant, too, as she sat down under the branching silver arms, shining with a kind of tremulous serenity on her thin young hands as they moved above the scarlet of the little jersey.

Alayne began to walk restlessly about the room looking intently at objects the minutest details of which she already knew by heart, picking up

a small china figure and holding it in her two hands, as though to absorb something of its cool smoothness. She saw her reflection in the mirror over the mantelpiece and furtively examined it, wondering whether or not her looks had failed her in the past year. Sometimes she thought they had. And if they had, or were failing her, small wonder, she thought. She had been through enough to fray the velvet edge of any woman's bloom. Her first marriage — that disastrous marriage with Eden. His infidelity. The torture of her thwarted love for Renny. Her separation from Eden. Her return to New York and the exactions of her work there. Her second visit to Jalna to nurse Eden through his illness. His affair with Minny Ware. Their divorce. Her marriage to Renny last spring. All this in four years and a half!

She had been married to Renny almost ten months, and she understood no better than before she had married him what his conception of life and love truly was. What did he think? Or was he guided only by instinct? What did he really think of her, now that he had got her? He had no taste for self-analysis. To dig into the depths of his desires, his beliefs, and produce the ore of his egoism for her inspection would have been abhorrent to him. And apparently he had no curiosity about her beyond the most primitive. His absorption in his own life was immense. Did he expect her, she wondered, now that she was harnessed to his side, to gallop through her life without question, sniffing the bright air, grazing in the comfortable pasture, and returning at night to the dark privacy of their mutual passion? He had none of her relentless desire to see things clearly. His conception of their relationship was so simple that it was almost repellent to her finical mind.

She smiled ironically, wondering if all these stirrings in her mind might possibly be reduced to the old feminine questions, 'Does he still love me?' 'Does he love me as much as ever?'

She heard him coming down the stairs noisily, as he always did, as though there were not a moment to spare. He seemed to her like the winter wind, sharp, full of cold energy, rushing by her. He must not pass the door of the drawing-room, perhaps go out again, without speaking to her! She went swiftly to the door, but just as she reached it he opened it wide. He stood, startled and smiling to find her so close to him.

'I was coming to find you,' he said.

She returned, with childish reproach in her voice: —

'I have been here all the afternoon. I heard you going upstairs ever so long ago.'

'Yes? I heard the piano as I passed, so I supposed Finch was playing to you. You know I can't sit down and listen to music in the middle of the afternoon.' He put his arm around her. His eyebrows shot up as he saw the lighted candelabrum. 'Well, you are a ghostly-looking trio! What's the matter with the lamp?'

Pheasant answered, 'We like the candlelight. It's so mysterious.'

His eyes rested appraisingly on the slender curve of her neck. 'It's becoming, at any rate. I did n't know you'd such a pretty little neck, Pheasant.'

'I was just thinking,' said Wakefield, 'that she looks like Anne Boleyn. What a nice little neck for the headsmen!' He uncurled himself and came over to the two, pushing his dark hair from his forehead, smiling up at Renny.

Pheasant dropped her knitting and clasped her neck with her fingers. 'Oh, don't, Wake! You make me shiver!'

Renny drew the boy to his side and

kissed him. 'How have you been to-day, youngster?' he asked, with a solicitude that had once been touching to Alayne, but of late had more often irritated. He felt nothing of her irritation, but Wakefield did. He pressed against his brother, putting his arms under his coat, and looked sideways at Alayne, as though to say, 'I can get nearer to him than you can.' He murmured, 'Not very well, thanks, Renny.'

Renny sighed. 'Too bad.' He bent and kissed him again. 'Now, I'll tell you something to cheer you. Cora has had a fine little foal this afternoon, and they're both as well as possible.' He turned to Alayne. 'You know, out of four foals she's lost two, and the others were weakly. But this! Why, it's a regular rip!'

'How splendid,' said Alayne, trying to feel excited. Her voice was drowned in the enthusiasm of Pheasant and Wakefield.

Was it a filly? Was it like the dam or the sire? A filly. The very image of Cora. Up on its legs. A very grenadier of a foal. They talked all at once, their eyes shining. Mooey's jersey dropped to the floor.

Renny disengaged himself from Alayne and Wakefield and stood in the middle of the room making quick gestures as he talked, his highly colored face alight.

Alayne watched him, scarcely hearing what he said, preoccupied by her love for him, by the fascination his presence had for her. She waited impatiently for him to finish his recital, eager to draw him away upstairs, where she might have him to herself, away from these others who seemed always coming between them. She held a pinch of his tweed coat in her fingers, and, when the opportunity came, she drew him toward the door. 'Come upstairs,' she said. 'I have

something in my room I want to show you.'

'Can't we see it later?' he asked. 'Won't it be cold up there for you?'

'That does n't matter.'

'I'll come, too!' Wakefield clasped Renny's arm.

'No,' said Alayne sharply. 'It's much too cold for you up there.'

But he walked doggedly behind them into the hall and followed them up the stairs. Renny hesitated at the door of his room. 'Is it in here you want me to go?' He spoke like an obedient but slightly unwilling child.

'No; in my room.'

She stood with her hand on the door knob letting him go past her into the room, but, as Wakefield attempted to pass, she gave him a look so forbidding that he drew back and leaned across the banister pretending to gaze at something in the hall below to hide his chagrin.

She closed the door behind her and looked at Renny with a sudden feeling of wry amusement. She was like a jailer, she thought.

'Well,' asked Renny, looking restively about, 'what is it you want to show me?'

'This.' She indicated an embroidered mauve bedspread she had been making and had that afternoon laid in its graceful simplicity on the bed.

He frowned, looking at it. 'It looks like a stage bed. The whole room has a stagy effect to me. It's unreal. It's not comfortable. There's nothing inviting about it. Of course, I know it's in frightfully good taste and all that, but —' he gave the grin that was so like his grandmother's — 'it's lucky I usually come in here in the dark or I might get depressed!'

Her eyes met his with a commanding look, saying, 'Go no farther,' but her lower lip quivered, saying, 'Go as far as you like.'

He sat down on the side of the bed and drew her on to his knee. He hid his face against her neck. She would have relaxed in his arms, but she remembered the new embroidered bed-spread and sprang up. She took him by the lapels of his coat and gave him a little tug.

'You must not sit there!' she exclaimed. 'You are crushing it dreadfully.'

He got to his feet and looked on ruefully while she stroked the heavy silk. He always admired the grace of her wrists when she performed any quick and capable act with her hands. She had good hands on the rein, too. That was one of the things that had attracted him to her.

She straightened herself and looked at him with a half-tender, half-reproving wrinkling of the nose. 'Darling, I'm sorry! But I really *can't* let you sit there. . . . And, don't you think you had better change your things? You smell — quite, quite a little of the stable.'

He gave a noisy sniff at himself. 'Do I? But I always do. It's a part of me. Do you mind so much?'

'This time there's a smell of disinfectant mixed with it.'

'Well,' he spoke with resignation, 'if I must, I must! Come along with me while I do it.'

As they went toward his room she remembered their first day at home after the return from their honeymoon. They had gone over the house, linked together, seeing it in the new light of their union. Each room they had entered had thrust forward its crowd of old memories to greet them. They had begun their new life hampered by far too many memories. They had passed with averted eyes the room that had been hers and Eden's, and had gone with relief to the open door of Renny's room. Looking about, she had

wondered how she would ever make herself at home in it.

He had broken in on her thoughts by saying in a somewhat constrained voice: —

'I wonder if you would mind very much taking Meggie's room for yourself. It's next door, and it would leave me free to look after Wake. He has always slept with me, you know.'

She had been startled, even angered by the request. Yet withal a subtle sense of relief had entered into her feelings after the first moment. The idea of a retreat of her own, a harbor for her tastes and reserves, had not been unpleasant. But to give up the shelter, the provocation of his presence — even more, to think that he was suggesting, almost laconically suggesting, the giving up of her presence in his room! After what they had been to each other for three months! After all he had confessed to her of his fevered longings for her when she had been in that house as Eden's wife! Had his longings developed into no desire for sweet companionship?

'Well?' he had asked, with a sidelong look at her.

Something stubborn in her made her say: —

'I think Wakefield would be much better sleeping alone. You must often disturb him coming in late. And your habit of smoking while you undress.'

'I don't disturb him nearly as often as he disturbs me.'

'All children — especially delicate ones — are better sleeping alone.'

'Not Wake. Not with his nerves and heart!'

'It's quite all right, Renny, but — why do you only tell me now?' She had felt both irritation and mortification, unhappy feelings that he always had had and always would have the power to rouse in her, by a tone in his voice, by his silence.

'I did n't want to.' He had spoken like a wayward child, and yet with a taciturnity that put him out of her reach.

That was all over now, but the recollection of it often returned to her, for it had seemed to show her quite definitely that her coming could change nothing of Jalna, that Renny had taken possession of her life, but that she could never do more than enter into his as a fresh stream into the salt sea.

Renny sat down and began to unlace his boots, the metal tips of the laces making small hurried sounds and, at last, the heavy soles two distinct thuds on the floor. She liked to watch him doing things, however commonplace. He was a delight to her and she wanted him all for her own, in tenderness, and in completeness. She said: —

'Why can't we see more of each other, alone? I was for two hours this afternoon in the drawing-room! I hoped you would come.'

Eagerly he began to explain, but she stopped him. 'Oh, I know about the colt! It was beautiful having it come along so well. But there were others there. Surely you did n't have to stay with her all the time.'

He looked about, with a troubled expression, for his shoes, as though, once in them, he would be impervious to her onslaught. She continued, love and peevishness making her voice tremble: —

'You may not believe it, but I'm lonely sometimes. When I think of our honeymoon in England — traveling about — the voyage home — it all seems so lovely! And now you're so absorbed by things!' She sat down on the side of the bed with a disconsolate look. 'And it is n't as though you were like many American husbands, absorbed by big enterprises that demand concentration —'

She was stopped by the outraged

expression on his face. Egotism, hurt pride, flamed there. She had thought his lean face could be no more red, but it was more red. And deep in his eyes was a look of sorrow.

'But — but,' he expostulated, 'can't you understand?'

'No, I can't,' she answered, relentlessly. 'Why, I really believe that if I were going to have a baby you would n't make a bit more fuss!'

'You're jealous!' he exclaimed. 'Jealous of a mare! I never heard of such a thing.'

Her womanhood was submerged by a desire to be petted. She said, with the whining intonation of a five-year-old, 'I don't care. It's perfectly true! If I were having a baby this minute you could n't do anything more for me than you did for her!'

'Yes, I could! I'd take to the woods, blizzard and all, and never come out again until it was all over!'

He came to her and sat down beside her on the bed.

'Do you know,' he said, drawing her against him, 'that for a sensible woman, an intellectual, almost highbrow woman, you can be sillier than any woman I've ever known!'

III

Finch's birthday came on the first day of March; and on this particular birthday the season did not, as was its wont, appear crouching under the cloak of winter. On the contrary, it was a day of remarkable mildness for the time of year.

The door into the hall stood wide open, letting in the sun. It was on such a day as this that old Adeline would take her first walk of the year. Wrapped in innumerable cloaks, scarfs, and petticoats, so that she looked a very battleship of a woman, she would come into view, supported by her sons, and pre-

sent herself foursquare to the reviving world. 'I'm out again!' she would exclaim. 'Ha! I like the smell of the fresh air!'

Finch thought a good deal about her to-day, recalling their strange delayed intimacy that had drawn them so mysteriously together, wondering if it were possible for him to live in a way that would have won her approbation. Still, she had known him for what he was, had loved him, had accepted him as one of 'the whelps' her son Philip had got by his second wife.

He stood in the porch sunning himself, and watched Rags furbishing up the hall. How shabby both hall and servant looked in the noonday brightness! The slender walnut banister and carved newel post were elegant enough, but the wallpaper along the stairway showed dingy where small hands had pressed against it. Certainly the walls had never been repapered in his time. The carpet on the stairs was threadbare. The Turkish rug on the floor had lost all its fringe. The fringe had reappeared miraculously on the cuff of Rags's coat. This cuff was being violently agitated as he polished the mirror in the hatrack, above which the carved head of a fox sneered down at him.

'Well,' he said, seeing Finch, 'many happy returns of the d'y to you, sir!'

'Thanks, Rags.'

'We could n't 'ave a finer d'y for the occasion, not if it 'ad been hordered! It's a fine thing to be twenty-one, sir, and to 'ave all the money in the family.' He looked over his shoulder at Finch with an air of innocent envy.

Finch felt like taking the fellow by the scruff of his grizzled neck and shaking him. He said, 'You don't know what you're talking about, Rags.'

The little cockney proceeded imperturbably:—

'It's a 'appy d'y for us all, I'm sure, sir. Mrs. Wragge was saying to me just

a bit ago that she'd prayed for a fine d'y. I don't go in for prayer much myself, but, as the saying is, straws tell which way the wind blows. Not that she is much like a strawr, sir. More like a strawrstack, I'd say. I 'ardly dare to go into the kitchen this morning, she and Bessie are that worked up with excitement. And the thought of those caterers coming out from town with all their paraffinaliar!' He came to the door and shook out his cloth. He then produced a small, foreign-looking leather pocketbook from somewhere about his clothes. He proffered this to Finch with a bow.

'Will you accept this from me, Mr. Finch, as a little offering? I brought it 'ome with me from the War. It belonged to a German officer. And I've always thought that if the d'y come when I 'ad a pot of money, I'd use it myself. But the d'y 'as n't come, and it looks as though it never *would* come, — not in *this* country, and at *this* job, — so, if you'll accept it, I'll give it to you with my best wishes, and may it always be full!'

Finch took it, embarrassed. It was a handsome pocketbook, and there was something touching in Rags's expression as he offered it; but Finch always had the uncomfortable feeling that Rags was laughing in his sleeve at him.

'Thanks, very much,' he mumbled. 'It's an awfully good one.' He opened it, looked in it, shut it. Rags regarded him with an expression of mingled sadness and pride. He gave his duster another shake and reëntered the hall.

Mooney was descending the stairs on his little seat, a step at a time. Finch watched him, feeling suddenly very happy. Everyone was amazingly nice to him. Renny had given him a wrist watch; Piers and Pheasant, gold cuff links; Uncle Nicholas, a paper weight; and Uncle Ernest, a water color from the wall of his own room. Alayne

had given him a crocodile traveling bag, and Wakefield a large clothes brush which, he explained, would 'come in handy to whack his kids with when he had any.' Meggie's present was yet to arrive.

'Bump!' sang out Mooey. 'I'm toming! Bump! Bump! Bump! I'm not f'rightened!'

Finch went to the foot of the stairs and snatched him up. He put the child on his shoulder, and out of the shadows of the past came a picture of himself, caught up thus by Renny. A queer thing, life. . . . One tall strong body, one little weak body after another. . . . Some day Mooey would stand at the foot of the stairs and shoulder some tiny boy just as to-day he was doing. . . . And Mooey would be twenty-one, and whose would be the tiny boy? Some little Whiteoak, out of a Whiteoak body. . . .

Mooey clasped Finch's head, and pressed his round flower-like face to Finch's thin one. 'I want to go out on the nish g'een g'ash,' he said.

'The grass may be green, but it's not nice. It's nasty and soggy.'

'I l-like nawsty, soggy fings.'

'Very well, I'll carry you out and stand you on your head on it.' He ran out the door and down the steps.

'There's a nish soggy spot,' said Mooey, pointing out a puddle.

'I'll tell you what I'll do!' cried Finch. 'I'll take you to the stables to see Uncle Renny.' He had got an idea. He would find Renny and broach the subject of quitting the University this very hour. Renny was always more or less absent-minded and good-humored when he was among his horses. The presence of Mooey would be a help, too, for Renny had a way of staring at him speculatively and only half listening to what was being said.

They found the master of Jalna in the paddock, mounted on a bright bay

mare which he was training as a high jumper. Two grooms stood by a hurdle, the top bar of which they raised and lowered in accordance with the shouted directions of the rider.

Between the two men, the mare, and her rider there existed a sympathy not needing the expression of words. When she felt panic and sheered off from the jump or valiantly essayed it and failed, a like shadow seemed to fall across all four. She blew out her breath in what seemed a great sigh. The grooms dubiously replaced the bar; and Renny, wheeling her about, drew his brows together in a rueful frown. But when she swung clear of the hurdle, and hung like a bird for a space against the sky, before she alighted triumphant and cantered down the course, a brightness of aspect descended as the sun's rays on men and mare.

Finch thought, 'She has done well; I believe it's a good time to speak.'

Renny had dismounted and given the bridle to one of the grooms and was strolling toward him, scrubbing the palms of his hands with a crumpled handkerchief.

'Was n't she splendid?' asked Finch, scrutinizing his elder's face. 'I think she's going to be a wonderful jumper.'

'I hope so. She's a sweet thing. I intend to ride her in New York this fall, if possible.' He turned to Mooey. 'Hello, what's the matter with your nose?' He gave the small feature a decisive wipe with the handkerchief.

Mooey, his nose quite pink, observed:—

'I'm going to jump a nish 'orsie and not be f'rightened neider.'

'He talks too much about not being frightened,' said Renny. 'It sounds as though he were trying to reassure himself. I hope he's not going to be a duffer at riding, like you.'

'I hope not,' returned Finch dolefully. It took so little to cast him down.

There was silence for a moment while Renny struck at the flakes of mud on his legs with his riding crop, then Finch set the little boy on his feet and, turning to his brother, broke out with the energy of despair:—

‘Look here, Renny, it’s impossible for me to go back to Varsity! I simply can’t do it!’

Renny continued to strike at his leg with his riding crop, but he did not speak. His face hardened.

Finch continued, ‘You can’t know how it is with me. You’re always doing the most congenial work. Varsity is n’t congenial to me. It is n’t anything to me but a grind and a flatness and an unreality. I don’t see any sense in sticking it out.’

The fiery brown eyes, before which he quailed, were raised to his. ‘What the hell is congenial to you? I wish you’d tell me. I thought music was, and I’ve let you take lessons and spend hours practising when you ought to have been studying. Then, when you play at a recital, you play your worst, and you tell me that audiences are n’t congenial —’

‘I did n’t!’ cried Finch. ‘I did n’t say that! I said that I was afraid of audiences —’

‘Afraid! By God — afraid! That’s the trouble! You’re always afraid! No wonder the kid there whines about not being frightened! You’ve put it in his head!’

Finch had turned white. He had begun to shake.

‘Renny! Look here! Listen! I — I — you don’t understand —’

‘Of course I don’t! Nobody understands. You’re not like anyone else, are you? You’re a student, and you can’t study! You’re an actor, and you can’t act! You’re a pianist, and you can’t play! You’re twenty-one, and you act like a girl in her teens! I suppose you think that because you’re of

age to-day and are coming into some money —’

‘No! No, I don’t! I only thought I’d like to tell you — at least, ought to tell you —’

‘Why did n’t you tell me long ago? Why did you let me go on planning for your education —’

In spite of the unhappy turmoil of his emotions, Finch could not help wondering what effort of the brain Renny had spent on him beyond the tardy digging up of his tuition fees, and the determination that he should not evade one lecture or examination.

He got out, hoarsely, ‘You shall have it all back!’

‘Not a cent! I won’t have a cent of it back!’

‘But why? There’s no reason why you should n’t!’ cried Finch distractedly.

‘There’s every reason. I won’t take a cent of it.’

‘But why?’

‘Because if I took it back I should not have reared you and educated you, as it was my duty to do.’

‘But there’s no reason in that! I know how hard it is for you to get money. All along I’ve said to myself, “I’ll make it up to Renny!” The thought of that bucked me up to tell you this to-day. Renny, you must take it back!’

‘Not a penny. Well, I can’t force you to go on, but I can feel that I’ve done my best, and if you’re a mess it’s not my fault!’ He had worked himself into a temper. He showed his teeth, Finch thought, as though he would like to bite him. Things were blurred before Finch’s eyes. The sunlit scene before him began to revolve. He put his hands on the palms and held himself together with an effort.

Mooney looked from one uncle to the other, his lip quivering. ‘I’m not frightened!’ he said.

Renny made as if to strike him with his riding crop. 'Say that again and I'll thrash you!' Nothing on earth would have induced him to touch Mooey with the riding crop, but he felt and looked as though he could. Mooey raised his voice in a howl.

At this moment Piers drove up to them in the car. He had been to the village and had brought the mail. He got out with the letters in his hand. His son moved toward him screaming, in a kind of dance.

Renny said, 'That's a nice young milksop you've got! He's frightened of his own shadow! He takes after his Uncle Finch!'

Piers's fatherliness was roused. He picked up his child and comforted him. 'What's it all about? What's he been doing? It seems to me that you look fierce enough to frighten anyone.'

'Oh, it's nothing,' said Renny. 'Only Finch has just been telling me that he's not going to Varsity any more. It's uncongenial to him.'

Piers's prominent blue eyes took in the situation. He did not speak for a moment while he turned the matter over in his mind. Then he said in his deep voice: —

'Well, it's no surprise to me. I always knew he did n't like college. I did n't like it myself. I don't see any sense in his taking a course in arts — going in for a profession — unless he wants. If I were in his place I'd do just as he is doing.'

Without another word Renny turned and strode toward the stable. Piers looked after the tall retreating figure with composure. 'You've got his back up,' he said. 'He'll not get over this to-day.'

'I don't know what I'm to do,' said Finch bitterly. 'I could n't go on with it. And I thought I could make it up to him — but he won't let me. He simply got in a rage.'

'Gran will never be dead while he lives! You may have her gold, but he has her temper.'

Finch broke out, 'I wish he had them both!' His jaw shook so that he had to clench his teeth to control it.

'Keep your shirt on,' said Piers soothingly. 'You won't be twenty-one for long. My advice is to make the most of it. Go away for a while and he'll forgive you and want you back.' He looked over the letters. 'Here is one for you from England. A birthday greeting from Aunt Augusta, I guess.'

Finch took the letter and glanced at the spidery handwriting. He turned, with an ache in his throat, in the direction of the house. 'Thanks,' he muttered; and added, 'And thanks for standing up for me.'

On the way to the house Finch opened his aunt's letter. He had a deep affection for her. She had shown him many kindnesses on her visits to Jalna, had worried considerably over his thinness and tried unsuccessfully to fatten him. It was like her to have remembered his birthday, and to have posted her letter in time to reach him on the very day.

LYMING HALL
NYMET CREWS, DEVON
18th February

MY DEAR NEPHEW, —

When you receive this letter you will, I trust, be well and happy, and at the *proud* moment of attaining your majority. You are arriving at manhood surrounded by the most *auspicious* circumstances. I only wish I might be with you to give you my good wishes in person. But I very much doubt whether I shall ever visit Canada again. The mere undertaking of the journey at my age is *terrific*. The sea voyage with its attendant *nausea*, the exhausting journey by rail in the discomfort and heat of your *trains*, and, added to this, the sad knowledge that my dear mother no longer awaits with extended arms for my coming. Neither do my brothers invariably show me that

consideration which they should. Particularly I mention *Nicholas*. Mentioning him, of course, in the strictest confidence.

I should like very much to have you visit me this summer during your holidays. Even a short stay in England at this period of your life would help to broaden you.

I wish I could offer you lively society, as I might have done once; but those days are past. They are gone like the days when my parents entertained so *lavishly* at Jalna.

But I can offer you young company in the shape of Sarah Court, your cousin once removed. She and the aunt (by marriage) with whom she lives are coming from Ireland to spend part of the summer with me. Mrs. Court's husband was the brother of Sarah's father. They were the sons of Thomas Court, my mother's youngest brother. Mrs. Court is an Englishwoman, though still living in Ireland, and you would never think that Sarah herself was Irish. She is twenty-five, a quite superior girl intellectually, musical like yourself. I have always esteemed the aunt, though she is a very peculiar woman and places too much importance (in my opinion) on her high *blood pressure*. I am sure you and Sarah would get on together.

If you would like to visit me, I shall write to Renny and tell him that it is my desire to have you. It was such a delight to me that he and Alayne were married from my house and spent their honeymoon *near by*. Give my fondest love to my other dear nephews and nieces, my brothers (I so often long to see them), and my baby grand-nephew.

I hope you will be very happy, my dear Finch, and I think you may rest assured that not one of us harbors any feeling of *malevolence* towards you in the matter of your inheritance.

Your affectionate Aunt,
AUGUSTA BUCKLEY

P. S. — Quite recently I had a letter from Eden. He approached me for *money*. He did not mention *that woman*. — A. B.

Finch carried the letter to Alayne, where she was arranging carnations on the birthday table.

'I've just had a letter from Aunt

Augusta. Have you time to read it now?'

'Yes, I'd love to.' She sat down on the arm of a chair near a window, in an attitude that suggested both repose and capability of purpose. Finch's eyes rested on the sheen of her hair, the blue of her dress. Seeing her so, he felt, as he often felt about her, that she never had and never could become one of them, even to the fitting of her person into the surrounding objects of the house.

She looked up and found his eyes on her and smiled.

'What a characteristic letter!' she exclaimed. 'I think her underlining is delicious. And her adjectives! . . . Oh, my dear, what could be more perfect than *malevolence*?' She turned the page and read the postscript, but she made no comment on it, except by a scornful movement of the lips.

'What do you think,' asked Finch, 'of my going over to visit Aunt Augusta? I'd like to go. I've just told Renny that I can't go back to Varsity.'

'How did he take it?' She was not surprised, because they had talked of that together. But she could not speak of Renny without all her being quivering into oversensitiveness.

'Just what you'd expect. We had a row.'

'Oh, I'm sorry! What a shame — on your birthday!'

'Well — now he knows. One unexpected thing happened. Piers took my side.'

She wondered why Piers had taken his side. She suspected Piers of being shrewd, and she could never be unconscious of his dislike for her, though it was concealed behind an air of heartiness. He had welcomed her even less as mistress of Jalna than he had welcomed her when she had first come there as Eden's wife. He would have liked Pheasant to be the only woman in

the house, his wife, a young girl and docile, though she had been wanton once.

Alayne said, 'You must go to England. You must!' She took him by the lapels of his coat and gave him a quick kiss. She realized his spiritual hunger, and the kiss was a gesture, not only of comfort, but of urge to the fulfillment of that hunger.

He felt a high excitement. His eyes shone. 'How beautiful you are to me,' he said, taking her hands in his.

'Do you know,' she said, teasingly, 'I believe Aunt Augusta has it in her mind to make a match between you and this Sarah Court.'

'Nonsense! She looks on me as a boy.'

'Yes, but boys grow into husbands. Especially in a house with an attractive cousin.'

'I don't like the sound of her.'

'She's musical.'

'I don't like the sound of that.'

'Well, don't think I should want you to marry. You ought not to marry till you are fully matured. Not for years and years.'

It seemed that the afternoon would never pass. Finch hung about the house, watching the preparations, playing snatches at the piano, teasing Pheasant, and, when possible, having moments of serious conversation with Alayne on that subject of never-failing interest — himself.

He and Wakefield went to the kitchen in the basement and surveyed the fowls all trussed up for roasting, and the wineglasses all polished up for filling, and the moulds of jelly, and the buckets filled with chopped ice into which were thrust the containers holding the Neapolitan ice sent out from town. They had never seen Mrs. Wragge's face so purple, or Rags's so pallid, or Bessie's arms, as she scrubbed the celery, so mottled. All were atwit-

ter with excitement. They looked at Finch with wonder in their eyes, to think that he had attained this pinnacle.

Long before it was time to dress for dinner he was in his attic room. The night had turned cold. He got into his dressing gown, a gayly colored one that had once been Eden's, his bedroom slippers that had once been Renny's, took his bath towel, one of a pair given him by Meggie at Christmas, and descended to the bathroom. There was a chill there, too, but he had told Rags to fill the tin tub with very hot water, and it was hot enough in all conscience. Hot enough to boil him. When he ran upstairs again he was pink from heat and in a state of high excitement.

Already he had laid his evening clothes on the bed. They had only been worn twice before, once at a dance at the Leighs' and once at the recital. The jacket became him well, he thought, surveying himself in the small glass. Alayne had given him a white carnation to wear. He brushed his moist hair, giving special attention to the lock that had a habit of dangling on his forehead. He polished his nails and wished that his fingers were not so stained by cigarettes. A shiver ran over him which he did not know whether to attribute to excitement or to the change from the hot bath to the cold room. God! How well the new cuff links and the new wrist watch looked! He glanced at the face of the watch. . . . It was an hour and a half before dinner time!

What to do! He could not go downstairs at this hour, looking like a fool, with a carnation in his buttonhole. Yet he would die of cold if he spent the intervening time up here. He cursed himself for his stupid haste.

Somehow or other he must put in the next hour and a quarter in that cavern of coldness. He looked longingly at the

bed. If only he might lie down and cover himself with the quilt and keep warm! But his suit would be ruined by wrinkles in no time. The next best thing was to wrap the quilt about him and find something to read. He folded it carefully about his shoulders, keeping one hand curved above the carnation to protect it. He felt utterly miserable. . . . What hell coming of age was!

He heard Wakefield running below and gave a piercing whistle to attract him. Wake came flying up the stairs.

'Hello,' he said, 'what are you wrapped up in a quilt for?'

'Been having a bath and got chilled. Look in that top drawer and hand me the package of cigarettes, like a good kid.'

'I say,' exclaimed Wake, as he produced the cigarettes, 'how funny you look! You're wrapped in a quilt, and yet I can see your pumps and pants underneath!'

Finch scowled at him in what he hoped was a terrifying way, but he dared advance no more than his fingers from the quilt toward the cigarettes because of his cuffs. Yet Wake held them just out of reach.

'Give them here!' snarled Finch out of the side of his mouth like a stage villain.

'I am giving them.' Wake's tone was meek, but his eyes were on a narrow aperture in the quilt and he brought the cigarettes no nearer. 'Here they are. Why don't you take them?'

'How the hell can I take them when you hold them away off there?'

'It's not away off. It's just a little bit of a way. What's the matter with you? Do you feel sick? Because,

if you do, perhaps you'd better not smoke.'

Exasperated beyond endurance then, Finch shot forth his hand from the quilt and snatched the packet of cigarettes, instantly drawing the quilt once more tightly about him. 'Now,' he said, 'clear out of here and no more of your cheek!'

Wakefield seemed to drift out of the room and down the stairs, so pensive was his mien. Finch felt hot all over. He let the quilt slide from his shoulders and put a cigarette between his lips. He reached for a match, but just as he struck it he heard Wakefield and Piers talking in the passage below. He held his breath and heard soft steps ascending the stairs. Like an arrow from the bow he leaped to the door. Just as Piers reached the landing he threw himself against it. He shot the bolt. Smothered laughter came from outside.

'Look here, Finch,' came Piers's voice, 'can you let me have a cigarette?'

'No,' growled Finch. 'Have n't got any up here.'

'The kid says you have.'

'He's a little liar.'

'Well, look here, I'd like to speak to you a minute.'

'Sorry. I can't just now. I'm busy.'

'Is anything wrong? The kid says you did n't seem very well when he was up before.'

'Let me alone!' roared Finch, and he showed, furthermore, that the example he had had before him in the matter of swearing had not been entirely lost.

When they had gone he looked down at the carnation. He had flattened it against the door. . . . He looked at his wrist watch. . . . The fracas had done one thing for him, at any rate. It had made time fly.

(To be continued)

UNSCRAMBLING THE ETHER

BY WILLIAM ORTON

I

To students of present-day society — especially American society — few ideas are more significant than that of ‘cultural lag.’ The idea, as presented by Professor William F. Ogburn, is roughly as follows. Different parts of a civilization develop at different speeds; and this difference of speed results sometimes in a serious loss of smoothness, of efficiency, in the working of the social system. In our own case, the chief source of friction arises from the rapid onrush of scientific technique in all the material aspects of our culture, and the failure of the non-material substructure of political and legal ideas to adapt itself fast enough.

We have shown no such inventiveness in this latter sphere as we have in the former. Almost every material aspect and activity of life is radically different from what it was fifty, even twenty years ago; but our outfit of concepts and techniques for the ordering of our life as a society is still heavy with the dust of the eighteenth century. There is a terrific inertia in the latter sphere that does not exist in the former.

We reckon depreciation on our machines at an ever-increasing rate; but who in the world thinks of reckoning the depreciation on our pet political or legal axioms? We put a premium on new notions in applied science and compete with one another to obtain them; but we distrust and systematically hamper originality in respect of

individual or group relations in society. The result is that every now and then we find ourselves in a mess — confronted with a problem created by our own technical prowess for which we have failed to develop adequate ideal tools. Such problems are on the increase, in both number and gravity; and, of course, nowhere more rapidly than in those aspects of our collective doings which depend, one way or another, on electricity.

The case of radio is a very interesting example. It has already given us — about four years ago — one dramatic reminder of the inability of our non-material culture to support the material advance we prize so highly. The resulting collapse was literally audible through all the loud speakers of the country. What happened, as listeners may recall, was that the invisible foundation of law suddenly cracked under the rising edifice of technique. It was old law — laws get old in less than fourteen years nowadays — by which the Department of Commerce was allotting broadcasting channels; and put to the test it was discovered to be without authority. Stations began broadcasting on any wave length they pleased. Out of that witches’ Sabbath the present radio law was born.

Now that, too, is showing signs of strain. Once more the edifice of technique is cracking the foundation. Demands for more power are coming along faster than the public has any idea of. It is possible that the whole layout of broadcasting service may

have to be revamped. Demands for facilities are pressing hard against the limits of the United States quota — limits set by international agreement. Within those limits, as every listener knows, there is severe congestion, and not a little confusion. Inevitably the question of the exact status of government control over broadcasting is forced to the fore. During the winter of 1929-1930 the Commerce Committee of the Senate conducted exhaustive hearings on a proposal to put the whole business on a new basis under a Federal Communications Commission. Then the question of the use to which broadcasting is put has become urgent. The public is increasingly critical of what a recent writer calls 'the vast cacophonous sales mart' of the air, and organizations all over the country, including the Federal Office of Education, are concerning themselves with the problem of programme content. To what extent the present advertising basis of broadcasting either can or should survive is an open issue.

The ordinary listener is concerned in all this in respect, first, of the quality of his radio reception, and, second, of the material that is put on the air for his edification. And since, as a citizen, he is likely sooner or later to be expected to have an opinion about it, an effort to grasp the elements of the problem is worth while. In its extreme complexity it has, for those who like that sort of thing, the added interest of a jig-saw puzzle or a good detective story — save that there is no guarantee that the pieces will fit or that the clues will lead anywhere.

II

The 'broadcasting band' available for general purposes in North America extends — as anyone can see from the dial of a receiving set — from 550 to

1500 kilocycles. Frequencies below and above this range are reserved by international agreement for special purposes, such as maritime, transoceanic, visual, and other types of broadcasting. Ten kilocycles is considered the very minimum degree of separation between channels; we thus have ninety-six possible channels, including both terminals.

And that is as far as we can get in the exposition without running into politics. Radio, like most other technical bases of modern civilization, is ill adapted to the national divisions on which our political life is framed. But, things being as they are, there had to be a sharing out of these ninety-six channels with our neighbors to the north and south. Strictly speaking, the sharing out is only to the north at present; Mexico has none, but is likely to be heard from in the near future. Canada has six channels exclusively and shares twelve more with the United States.

Here again the situation may not last forever. There is therefore strong reason for economy in the use of the ninety channels left.

On these ninety channels, or frequencies, or wave lengths, are crowded over 600 broadcasting stations. There were 732 when the Federal Radio Commission was formed in 1927 — there had at one time been over 1000 — and the Commission has had a hard time reducing the number even so far. But why should it want to reduce the number? Because from a technical point of view there are far too many stations for comfort. They get in each other's way all the time, and the endeavor to keep them from doing so is an intricate and interminable job involving constant checking and a good deal of legal wrangling. The ideal thing would be to have only one station on one channel in the entire area which

might be affected by its operations. England keeps quite close to this ideal, even weak stations having channels to themselves.

But the United States is a big country: surely there is room for several stations on one channel in so large an area? Ah, but at this point Nature plays a pretty little joke on the broadcasters. A broadcasting station, like a gossiping woman, can make itself a nuisance through a much wider sphere than that in which it can be useful — can, and does. Mr. John Hogan, appearing as expert witness before the Radio Commission in 1928, gave some interesting illustrations of the fact. A moderate-sized station of 5000 watts can give good service, if free of interference, over a 100-mile radius (a somewhat liberal estimate if applied to existing conditions). Its nuisance area, however, has a 3000-mile radius. A second station of the same power on the same channel 1500 miles away will cut down the good service radius of the first station from 100 miles to 15 miles, and the interference effect of even a weak station at the same distance is almost as great.

Obviously the nuisance effect of duplicating stations on the same channel mounts up much more quickly than the increase in the service facilities. Every duplication means some waste, from a technical point of view; much duplication, especially at high power, far more than offsets the gain to listeners in each locality. The listeners may, within a narrow range, get better reception from their local station; but the range of that service will be far narrower than that which the power of their station could render, and the chance of hearing anything else clearly will be tremendously restricted. Taking only a very moderate standard of radio reception as the criterion, Mr. Hogan estimated that

all 5000-watt stations ought to have cleared channels; 1000-watt stations should be about 1400 miles apart — which would give four or five per channel; 500-watt stations from 900 to 1000 miles apart, giving about ten per channel; 100-watt stations about 450 miles apart, giving about twenty per channel on a geographically equal spacing.

What do we find in practice? Taking one channel absolutely at random, — the 1200-kilocycle band, — there are at present forty-two stations operating on it, eight using less than 100 watts power, eight of them using more than 100 watts in the daytime. Their geographical spacing is far from even throughout the country. And that happens to be one of the channels that is also shared with Canada. How has this situation come about? In fact it is a legacy of pre-regulation days — days when anybody could set up a station and get a license on the strength of the *fait accompli*. It is a relic of individualism — which means, in matters of this sort, the practice of proceeding helter-skelter without any plan until an impossible situation has developed and all sorts of vested interests have been created, and then trying to impose a plan retrospectively in face of innumerable technical and legal obstacles. The theoretical defense of this multiplicity of stations is the desire for local service. But on the merits of the case it is very questionable whether what most of these small stations contribute to the repertory of the ether is a sufficient justification for the amount of nuisance they create. In the particular case selected — and, be it emphasized, this is a random sample — twenty of the forty-two stations are in towns of less than 25,000 people. And it is stations of this sort that do the worst type of advertising and the greatest amount of mechanical record playing.

III

In the attempt to impose some sort of plan on the chaos which had come into being by 1928, two events are of outstanding importance. One is the passage of the Davis Amendment to the Radio Act in March 1928. The other is the issuance by the Commission of General Order No. 40 in the following August.

The Radio Act of 1927 had divided the country into five zones, each of which sent one member to the Commission. These zones are not of equal size or of equal population. The smallest (Zone II, East Central) will contain a circle of 131 miles radius, the largest (Zone V, Western) one of 725 miles radius. In population the first four zones are not far apart, but the fifth has less than half that of any other. The Davis Amendment ordered the Commission to make an equal allocation of licenses, wave lengths, and power to each zone; and added that within each zone there should be an equitable distribution between states on the basis of population.

If population were evenly distributed throughout the entire country and there were no political questions involved, the engineers could — at least on paper — proceed to an optimum distribution of broadcasting stations on the sole basis of geographical considerations and technical efficiency. The Davis Amendment represents an attempt to compromise with the facts as they are. Its weakest feature — a feature which it may be necessary ultimately to abandon — is the acceptance of purely political subdivisions in the working out of a technical programme.

The Commission was next faced with the job of reallocating the 700-odd stations then in existence in accordance with the general principles thus laid down. Its scheme, evolved after much

technical study and considerable difference of opinion within as well as without the Commission, was announced in General Order No. 40. The problem was one of classifying not merely stations but wave-length assignments, and of doing so with as little interference as the general policy permitted. The whole 550-1500 kilocycle band had therefore to be studied. The result was the definition of three types of service — national, regional, local. For national service the commission 'cleared' forty channels, on each of which only one station was to operate at one time. Regional channels, thirty-five in number, were to accommodate 125 stations of moderate power, widely spaced. Local channels, comprising the remainder, were to accommodate 150 low-power stations.

This scheme, for various reasons, some of which will be indicated below, has not been fully carried out. But even so far as it has been carried out — that is, in respect of the cleared channels — its operation leaves much to be desired. In the first place, there is still duplication of stations on the same wave in certain cases, which the Commission has been unable for legal reasons to abolish. That fact is necessary to explain the apparent paradox that there are about fifty stations operating full time on the forty cleared channels in addition to over thirty others operating on low power or limited time.

In the second place, there is still a good deal of 'waste room' in the ether because many stations operating on cleared channels are using only low or very moderate power; while at the same time, since title to a cleared channel is the most valuable concession obtainable from a money-making point of view, these stations would strongly object to others being authorized on their channels even if the Commission were disposed (as part of it has been

disposed) to take such a step. As a matter of fact some twenty of these cleared-channel stations applied to the Commission last November for permission to increase their power up to fifty kilowatts. A good many of them have been losing money, and from their point of view an increase in the service area would enable advertising rates to be increased. The smaller stations, however, have stoutly resisted the increase on the ground of interference, and the Commission has hitherto been very chary of granting high-power permits.

The gravest waste, however, is in connection with the chain hook-ups. A majority of these stations on cleared channels are associated with either the National Broadcasting Company or the Columbia system. For a very obvious reason. It is these cleared-channel stations that have the largest potential service area and therefore the greatest cash value as advertising agencies; and though only a small proportion of them are actually owned by the radio interests, almost all of them are in commercial or financial ownership, and almost all of them exist simply to sell wares or services and make money. The vast advertising networks in which they are associated are a natural development of that commercialization of broadcasting which the Radio Commission has accepted as in conformity with 'public interest, convenience or necessity.' But the result entails a tremendous wastage of broadcasting facilities, for the reason that instead of forty cleared channels presenting, as they might, forty different programmes, the same material comes every night over the air from the great majority of them. Irrespective of whether the programme is good or bad, this involves a colossal waste of 'air space'—a waste over which the Commission has apparently no control at all. In view of

the congestion of broadcasting facilities, which has involved outright denial of facilities to many non-commercial stations, such a result of individualism is a deplorable piece of inefficiency.

It is possible that, at some time in the future, synchronization—that is, operation of two or more stations on the same wave kept absolutely in unison—may release some of these cleared channels. To date, however, synchronization has been commercially possible only by direct wire connection—a process too expensive to carry out over large distances. Whether or when this relief may come is uncertain; in the meantime the monopolization of the national channels stands squarely in the way of independent enterprise in programme development.

IV

In the original scheme of the Davis Amendment and General Order No. 40, it will be noticed that a total of 315 stations was originally provided for. There are in fact over 600 stations operating. The difference provides some measure of the various technical, political, and legal obstacles that have stood in the way.

Of the political obstacles perhaps the less said the better. Their general nature can be very well imagined. The legal ones, however, provide some points of vital interest. The Radio Act of 1927 laid down that the grant of a license was subject to 'public interest, convenience or necessity'—leaving the interpretation of the phrase entirely to the Commission. All sorts of cases have been brought up by stations 'ordered off the air' or contesting particular rulings of the Commission; but the outstanding issues may perhaps be briefly indicated as follows.

On the face of it, radio regulation must be entirely a Federal matter.

Even a weak station is not confined in its effects within the intra-state area. The courts have ruled that 'radio communication in general' falls within the category of interstate commerce and that the constitutional power thus arising must be broadly interpreted — just how broadly is not yet fully explicit. Further, it has been quite definitely laid down that the grant of a license conveys no property right in a wave length, and that the regulatory power of the Commission is therefore not *ipso facto* in contravention of the Fifth Amendment. But apparently regulation can be successfully contested on the plea of arbitrary use of power by the Commission. A leading case was that of station WGY (Schenectady). The Commission, in its attempt to apply the Davis Amendment on the lines of its General Order No. 40, had found it necessary to curtail this station's time on the air. The attempt failed, and the argument of the court suggested that, although the station had no vested interest in any particular wave length, it had acquired a property interest in its operations entitled to protection of the opportunity for their full continuance.

The question of vested interests is in fact by no means disposed of by the contention that there is no vested interest in a wave length as such. The power to curtail operations or order stations off the air may be contested on various grounds, and it is not too much to say that the exact nature of that power has never been finally settled. An extract from an important brief recently presented before the Supreme Court illustrates the basic confusion: —

The property right of a broadcasting station to the use of the ether with the power upon which it is operated is, perhaps, best established by the doctrine of priority of appropriation as applied to water rights

in non-navigable streams of the Western States. It is contended that rights to the use of the ether for broadcasting are similar in nature, the property right to the continued use of both media being acquired by priority of appropriation.

The case resolves itself into this: Shall a pioneer broadcaster who, at the risk of money and effort, contributed to the creation of broadcasting be deprived of the fruits of his labor?

V

The same brief attacks the regulatory power on the ground that there are no previously established criteria of 'public interest, convenience or necessity.' And here a different and perhaps even more difficult phase of the problem arises. That phase concerns the nature of the service rendered. The Commission is explicitly denied the power of censorship by Section 29 of the Radio Act, except that it may close stations permitting the use of 'obscene, indecent or profane language.' Some stations have been closed on this ground. On the other hand the Commission can hardly avoid — does not avoid in practice — taking into consideration the quality of the service given in deciding between competing stations where facilities are limited and a choice has to be made. Should it have power to go further?

First, there is widespread evidence of a public reaction against radio advertising. It is surprising how many people one meets who either do not own sets or scarcely use their sets because they will not tolerate it. Dr. Lee De Forest, in his presidential message to the Institute of Radio Engineers in January 1931, attributed the falling off in radio sales during 1930 largely to this factor, and went so far as to describe the present situation as 'perilously menacing.' In what is probably the gravest warning yet uttered by a

person of high authority in the industry itself, he said: —

Unless these broadcasting conditions are very soon materially improved; unless the public is given the opportunity to listen to four or five hours each day of fine entertainment free from sales talk, I cannot see any way of restoring its former prosperity to the radio industry.

As long as it seems hopeless to expect our Congress to authorize any censorship of radio programmes or to levy a tax on receiving instruments for the support of fine programmes, even if such measures were wise, I am forced to regard the plan of associated manufacturers collectively sponsoring high-class programmes freed of all advertising as the surest and most practical means for remedying a situation which will, unless cured, certainly spell disaster for the radio industry.

Testimony of a different kind, though no less devastating, was forthcoming last December from the attorney to the Federal Radio Commission, Mr. Arthur W. Scharfeld: 'The widespread and unthinking reliance of the public on broadcast advertising as a guide to purchases of every nature [including in certain cases security issues banned under state blue-sky laws] creates a potentiality for abuse upon which advertisers have not been slow to realize. Established remedies which cover the ordinary situation of false or misleading advertising have been but slight deterrents to fraudulent practices over the radio. Persuasive evidence that the evils exist is afforded by the continuing galaxy of complaints covering every conceivable subject matter.'

There is another phase of this question. Apart altogether from the effect of advertising upon programme content, there exists behind the scenes a good deal more skepticism than is allowed to leak out as to the actual sales value of the radio campaign. A large proportion, perhaps a majority, of

station managers are professional advertising men; and although there is competition between radio advertising and other forms of the art, there is also coöperation, as evinced in the various 'tie-ups' between radio and press or billboard publicity. No one branch is going to give the rest away by too much candor. But it is unlikely that broadcasting revenues will continue indefinitely increasing. It is not impossible that radio advertising has already passed its zenith. One wonders, in that event, whether the 'unsponsored' programmes which now account for most of the better features of American broadcasting will be continued on the increasing scale which cultural considerations demand. Such programmes cost a lot of money, and the amount that can be spent on them—apart from its function in staving off criticism and the possibility of outside control—is closely connected with the size of the advertising revenue. If, as the Radio Commission has laid down, advertising must be accepted as the sole means of support for broadcasting, the outlook is not altogether reassuring.

The commercial basis raises yet another obstacle to cultural progress. Chain stations are paid for the advertising material they relay from the central studios of the system. On the other hand they pay for the 'sustaining' or 'unsponsored' programmes they pick up and rebroadcast. They are not under obligation to take these latter, and as a rule do not if they can sell the same hours to an advertiser on their own account. The result is, of course, that the only material which is certain of nation-wide reception is the advertising. The educational or cultural features offered by the central stations may or may not be distributed on the local or regional hook-ups. Perhaps that is a fair reflection of the scale of values obtaining in the average Ameri-

can mind. But it is not encouraging to those who would like to see broadcasting made more worthy of a nation that claims to call itself civilized.

Mr. Hoover's views on this matter have apparently undergone a strange metamorphosis. A few years ago he said very frankly:—

Radio communication is not to be considered as merely a business carried on for private gain, for public advertisement, or for the entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities.

Last December, in a letter to the vice president of the Westinghouse Company apropos of the tenth anniversary of commercial broadcasting, Mr. Hoover wrote as follows: 'It has already begun to modify the character of American life and fortunately its tremendous influence is all on the side of progress. To-day the high level of service and the wholesome character of programmes should be a proper source of pride to all engaged in it.' One wonders whether Mr. Hoover knew what happened to the Massachusetts University Extension programme of radio education at the hands of the Westinghouse stations of New England. He can find the story on page 144 of the report on radio education issued by his own Secretary of the Interior.

VI

It is in connection with the educational use of radio that the question of programme control is being most keenly discussed. The contribution that radio at present makes, or under existing conditions can make, to either juvenile or adult education in America is lamentably small in comparison with the opportunity or with what is

being done elsewhere. Education cannot compete for 'room on the air' with national advertisers. There are even people who hold it ought not to be compelled to. But all available channels are full, and more than full. What—if anything—can be done about it?

Three main proposals have so far been put forward for serious consideration by responsible groups in America. A conference summoned in Chicago by the Radio Education Division of the Federal Office of Education last October formulated a demand that the Radio Commission be instructed by Congress to clear 15 per cent of all channels for government and educational purposes. A proposal similar in principle is contained in a joint resolution now before Congress, calling for three cleared channels to be put at the disposal of the Departments of Labor, Agriculture, and the Interior.

An alternative suggestion which has met with some favor on the part of two members of the Radio Commission itself is that stations should be compelled, as a stipulation of their license, to hold a stated proportion of their time at the disposal of the public services. Commissioner Robinson has coupled this idea with the suggestion of a license fee, to be paid, as it is in other cases, for the use of a public medium.

The legal obstacles in the way of either plan are undoubtedly serious, though less so in the second case than in the first. In view of the attitude of the courts, the Commission might well shrink from any attempt at a compulsory clearing of channels. The alternative would be to wait—indefinitely—for the release of existing channels by synchronization, on the by no means certain assumption that when that time came present holders of unrequired national channels would give them up without a struggle. But

even so, to devote cleared channels to any restricted type of service would be poor economy in view of the improbability of such restricted service requiring full-time use of the facilities.

The second proposal avoids this objection; but it is open to another that might prove no less serious. If the stations themselves are to be allowed to choose which hours they will devote to public-service programmes, they will naturally choose the hours they cannot sell. If they are to be told by some outside authority what hours they shall surrender, much the same legal problems will be raised as would be involved in an attempt to put some of them 'off the air' altogether.

A third proposal, which is now being acted upon through the instrumentality of the National Advisory Council on Radio in Education (a non-governmental organization), avoids any element of coercion. In his recent report to the American Association for Adult Education ('Education Tunes In') Mr. Levering Tyson drew attention to the following statement by the president of the National Broadcasting Company, Mr. Merlin H. Aylesworth:—

'The pleasing progress that we have made in musical education leads us to hope that we shall soon undertake general educational work, but I feel very strongly that that should not be done until a carefully considered programme is prepared by nationally recognized educators of outstanding ability. Such a programme should be sponsored by some responsible organization of educators or perhaps a group of them. . . . When they are ready we will place our facilities at their disposal without charge.'

Up to the present, it must be confessed, the National Broadcasting Company has had considerable justification for holding its hand. There have been

very few examples of first-class educational broadcasting in America, and it may be said, taking the field as a whole, that educational opinion is divided and discouraged. Objectives are not yet defined and methods not generally agreed on. Nor is there convincing evidence of any widespread popular demand for education as such. Educators cannot see their way clear to getting untrammelled use of the 'air,' even if they knew what they wanted to do with it; on the other hand, they are skeptical of education sponsored by commercial firms — even in those cases where the firms have made genuine efforts to promote it. The offer of facilities on the two national chain systems, though it is probably the best opportunity open at present, is subject to certain drawbacks. There is the difficulty, in an area as large as the United States, of local time variations; but, assuming that this can be got over, there is the larger question as to whether uniformity on a nation-wide scale is a really promising road for education. The fact remains, however, that in very few cases have local stations either the resources or the initiative to command first-rate material.

An effort is therefore being made by the National Advisory Council to explore the educational demand on a nation-wide scale with a view to action upon the lines suggested above by Mr. Aylesworth. The significance of any experiments so made will depend very largely on the amount of public response they evoke. But should the experiment succeed, we shall have another example of the American way of doing through the instrumentality of — and within the limits imposed by — big business the things that other countries would naturally do by public enterprise. The distinction, however, is probably unimportant, since it would be folly to pretend that there is any

vital difference in the ideals and the policies of the two agencies at present.

Big business has in fact come to occupy in America very much the position occupied by the Church in mediæval Europe. It dominates politics and international relations, colors the administration of law and the concept of justice, controls popular aspiration, recreation, and a large part of education, moulds the forms and sets the standards of social intercourse, permeates while it patronizes the national culture in a hundred ways. It rests on a widespread and uncritical faith which is carefully protected from the shocks that too much knowledge might impart; and it is served throughout the lower ranks of its hierarchy with loyalty, sincerity, and devotion. To its highly centralized controls are drawn, as by

magnetic attraction, the ablest men from every sphere that fits its grand design. And even at its core, cynicism and *Realpolitik* stand cheek by jowl with idealism and a sense of stewardship.

This is no caviling comment. After all, the attempt to establish the kingdom of God was not a conspicuous success. And, having decided to establish instead a kingdom of man, what more can one reasonably demand than to be made comfortable? The higher flights of culture have, as is well known, a tendency sometimes to disturb the mind, evoke quite inconvenient aspirations, diminish the measure of our content with things as they are, and even affect the working of the digestive organs. Let us be grateful we are spared the prospect of such a consummation.

THE RIGHT TO DRIVE

BY RICHARD SHELTON KIRBY

I

It has been one hundred and sixty years since the first vehicle actuated by power other than that of an animal first crept along a public way. The Parisian authorities of the day were properly shocked at Cugnot's assurance and promptly sequestered both the driver and his teakettle car. Just a generation later, a rude Cornish giant brought to London a ponderous traveling engine which had terrified his simple neighbors in Camborne. He tried to zigzag at twelve miles an hour 'from Leather Lane to Paddington by way of Lord's Cricket Ground,' but the busmen and

cab drivers were so rude that he could not properly guide his monster and it swerved and ripped up sixteen feet of garden railings, with the result that Trevithick gave his next exhibition inside an enclosure where now is Euston Square. And at the end of still another generation we find one Hancock turning out 'steam carriages,' which conveyed a dozen persons along the king's highway in 'luxury' and usually even in safety at eight miles an hour. He christened one of the first of these 'Autopsy.' Verily there were prophets and seers in those days.

And we of 1931, can we project ourselves ever so little into the future in

this matter of the use of our public roads?

Perhaps it will help if we view the immediate past in brief detail. Twenty-five or thirty years ago Americans who could afford it, and in course of time at least a few who could not, began to discard the trusty steeds that had served them and their forefathers in favor of crude 'gas-buggies,' which in a surprisingly few years have given birth to an innumerable progeny of high-, higher-, and highest-powered motor cars — the latest count indicates that their number is approaching thirty millions.

The results of so sudden and radical a change in our mode of living are everywhere apparent, and not all are salutary. *To date, in the United States alone, more than a quarter of a million people have been killed by or in automobiles.* This does not sink as deeply into our consciousness as would, perhaps, a newspaper statement such as this on each New Year's Day: —

ANOTHER CITY GONE

Injury Situation Beyond Control

Late press dispatches confirm a rumor that during the past twelve months, as the result of a mysterious illness with which the authorities have thus far been powerless to cope, the entire population of Tucson, Arizona, have lost their lives. It will perhaps be remembered that in the course of the previous year the population of Ann Arbor, Michigan, was destroyed in a similar epidemic and that every man, woman, and child in Northampton, Massachusetts, perished from what was thought to be this same dread disease the year before that.

It is further stated on good authority that during the last decade, from this same horrible malady, every man, woman, and child in New England has suffered injuries serious enough to report, all the way from 'harmless' cuts to manglings that have kept them hovering between this world and the next for many weeks. A conference of

governors has been called and immediate action is confidently looked for.

To speak in this connection of such a matter as property losses would seem to be altogether an anticlimax — and we Americans view waste rather nonchalantly at best. The fact is, however, that American automobiles are responsible each year for direct property damage of the value of two hundred millions of dollars — more than half the initial cost of our boasted Panama Canal; and if all economic losses are included the total approximates a billion dollars. Can this be even one of the least of the numberless causes of our present economic depression?

II

There is no simple cure-all remedy for so complex a situation as confronts us, although a number have been proposed, all the way from doing away with the gas pedal to surrounding all cars with India-rubber buffers or incarcerating guilty cars by the wholesale. Personally, I believe we all drive, at times, considerably faster than necessary. But I look at the London figures for the 1003 street fatalities caused by vehicles of all sorts during a recent year and note that nearly 800 of the vehicles were estimated, by the police, to have been traveling no faster than 15 miles an hour, and I wonder. The authorities in our smallest New England state have proved conclusively, by long and carefully conducted tests, that driving speeds in their state (at least up to 1930) have been increasing steadily over a period of years — higher in the autumn than in the spring, higher in the spring than in the preceding autumn, and so on. They are convinced that there is a direct ratio between speed and accidents; that one rises and falls with the other.

I keep pondering over an arithmeti-

cal sum — a half second's wrong thinking carries one 36 feet at 50 miles an hour, but only 18 feet at 25; and in the 18 feet between there might conceivably be a number of human beings. And what passes off lightly as an unlucky bump at 20 miles an hour becomes a tragedy at 40, for the kinetic energy of such a blow increases as the square of the speed. The day is surely coming when a gentleman will no longer boast of having bowled along our beautiful New England highways at the speed of a limited express — he will apologize instead.

To the average person, death rates do not signify as much as they perhaps should. Several years ago our United States death rate from automobile accidents passed 20 per year per 100,000 inhabitants; the National Safety Council's estimate for 1929 was 22.7; the rate is still mounting, and nearly reached 25 in 1930. It is almost twice as high on the Pacific Coast as in New England, and the New England rate is about twice that of England and Wales, where in an area a third larger than New England there are about the same number of cars and five times as many people.

Judged by results, the fight against typhoid fever in Connecticut has been, over a period of ten years, some seven times as successful as that against auto fatalities, for in that period the typhoid death rate has been divided by four and the auto death rate has been multiplied by nearly two. Perhaps we might assert that an automobile is, at the moment, thirty times as dangerous as a typhoid bacillus, at least potentially. Nearly one third of all our accidental deaths in the United States are due to automobile crashes; next in order come falls, and after that usually drownings.

There are one or two bright, or at least not altogether black, spots in the

picture. Our young pedestrians seem to show improvement in adjusting themselves to a situation which did not confront their elders so early in life; teachers and parents should be heartened at this. Conversely, however ill we can spare them, the aged are being told off at an increasing rate. And it does not give one much of a thrill to hear that, in proportion to the mileage we drive, we are probably killing slightly fewer people with our cars each year; the figure last year was a little over two deaths for each million gallons of gasoline burned. It is as if a group of two hundred cars should be driven around the world before they killed anyone, but during the journey should injure thirty or forty persons, some of them within an inch of their lives. We should n't pat each other on the back very complacently for a record like that. It is a fact that, in proportion to the number of cars on our streets, fewer than half the number of people are killed each year in the United States that were killed on the same streets during the latter years of the World War. But this is faint comfort to the hearts of the growing number of mourners; and, in fact, for several years past the rate has been increasing again.

III

There are many queries which might be put to a statistician versed in these matters; but to a fair proportion of the queries conclusive answers are at present impossible. Questions like these: Do flexible speed regulations increase or diminish accidents? What effect on accidents have so-called *prima facie* speed laws? Does universal compulsory insurance covering third-party risks make for more careful driving? Does the construction of speedways reduce the number of accidents or only

change their type? Are women more careful drivers than men? Should we increase or decrease the number of warning signs? To questions such as these one might hazard replies according to his predilections or even his hopes, but he would have to confess that the replies were founded on rather slim documentary evidence of a statistical nature; perhaps ten years hence we may feel more sure.

There are other questions which can be answered with confidence, for the data are available. Accidents are most apt to happen, for instance, at about five o'clock of a pleasant Saturday (or in some localities Sunday) afternoon in the late summer or early autumn on a straight, smooth, dry pavement in a moderate-sized city or large town, perhaps at a street intersection. In such a picture one usually finds one or two drivers under thirty, and perhaps a pedestrian over fifty. In other words, in the localities where such records are kept we know with considerable exactness when the most accidents are occurring and where; also the comparative prevalence of each type, the nature of the damage done, and much besides. But even if we know all these facts, relevant and interesting though they may be, the one inclusive and all-important question is still left unanswered — namely, What are the main causes of such accidents?

All who have studied the subject would agree that, however hesitant one might feel about ascribing a definite cause to each accident, it is nevertheless true that causes do vary tremendously in importance. Defects in highways most certainly are responsible for only a small percentage of the total number, and defects in cars for fewer still — the latter only 3 or 4 per cent, even including the much-discussed faulty headlights. Defects in

roads and imperfections in cars are of minor importance, but they are relatively tangible and simple of correction; a reduction of even 1 per cent in each might prevent many hundreds of deaths in a single year. And closely related is the matter of injuries and deaths which might have been avoided if there had been no shattered glass; in how large a proportion of cases this has figured seriously no one knows, but the situation is one that could be corrected, if we would, almost overnight. Pedestrians are perhaps to blame for 20 per cent of the accidents, though of course they are involved in only about half of the total number. But I suspect that all authorities would agree that the bulk of our automobile accidents should properly be laid at the door of the person who drives the car.

Those who classify accidents according to their apparent primary causes are not altogether of one mind as to the proportion for which the driver is responsible, but the variation in their judgments is not wide. It is interesting to note that the authorities of Connecticut, Rhode Island, and Berlin, Germany, concur in blaming the operator for between 64 and 67 of every 100 accidents. An unofficial canvass of coroners' returns in Great Britain, three years ago, placed the figure at just under 40 per cent, in fatal accidents, for which it would naturally be low. A somewhat similar situation exists in the State of Massachusetts.

What is it, then, that these drivers — who are killing perhaps 20,000 of our people, including themselves, each year — do or fail to do? Statistics will tell you that, in the great majority of cases, either they are not focusing their whole minds on their driving, or they are proceeding too rapidly for safety under the conditions, or they are not giving way to other drivers as they pass

them at intersections or elsewhere. In other words, most casualties for which the driver is to blame are due to a lack on his part of at least one of the three qualities of *concentration*, *caution*, and *consideration*. His mind may be nearly a blank as to the three R's, but if he lacks the three C's he is a dangerous person to meet on the road. We all realize that a driver who, while he is driving, does just that and cannot be diverted from it, who does not allow himself to take long chances, and who practises not only the rules of the road but the rules of everyday decent politeness, is almost certain to keep out of trouble.

If I had to choose between the three qualities, I should put the last first, for all too many drivers have forgotten that there ever was such an expression as 'After you, my dear Alphonse.'

If drivers are responsible for so large a share of the accidents, it would seem altogether logical that our best line of action should be directed toward them. To say that our various states, even the most conservative of them, have been liberal in their official permissions to drive motor vehicles (where any permission at all has been necessary) is to keep well within the truth. Up to now the assumption has been, even in some of our best-regulated states, that an able-bodied person in his middle teens or over, with mind enough to shift a few gears, swing a car from one side of the street to the other, forward and back, and answer, parrot fashion, a dozen stereotyped questions, has a right to cruise around our whole United States at will — provided, indeed, that he can find six dollars or so for a license fee and either pay the first installment on a car that will hold together or borrow one for the occasion. In other sections of the country a person just exercises his God-given right to the

highway, and who is the State that it should pretend to curtail him in his use of it?

Further, to assert that our courts (big and little, but mostly little) have not come up to the full measure of their capacities for uniform enforcement of the motor-vehicle law against offenders (big and little) is merely to rehearse what is common knowledge.

For ideal driving the car must become part of the driver, an extension of his personality, doing his bidding implicitly, just as his legs and arms do. If the car is not perfect in its mechanism, a well-balanced driver will use extra caution in other directions to make up for the particular defect. I would sooner trust an ancient bus, indifferently supplied with brakes, hard to steer, and rheumatic in all of its joints, but manned by any one of a half-dozen men (or one woman) whom I could name, than a luxurious 1931 model, with safety devices galore and a countless array of control dials on the dash, in the hands of a smart Aleck.

In other words, the whole problem resolves itself into a judicious selection of drivers. But how to pick out, from a horde of applicants each year, those persons who, in emergencies, will presumably exercise the three basic qualities mentioned is perhaps a more difficult problem than deciding, after they have failed, perhaps after an accident which it is then too late to prevent, just what punishment, if any, should be meted out to them. But the problem must be solved.

IV

Great Britain, under her new Road Traffic Act, has just begun to face this problem; it will no longer suffice for a prospective private-car operator simply to mail five shillings to the authorities.

(I was told by someone in London who knows whereof he speaks that a blind person had once done this successfully.) Most other European countries progressed beyond this point some years ago, and now examine all applicants for drivers' licenses; the German examinations are thoroughgoing and conscientiously conducted.

Connecticut has, of course, examined drivers rather carefully from the first. The state has now in operation, in somewhat tentative form, a comprehensive examination to be set for drivers who wish reinstatement after having been, for sundry reasons, deprived of their licenses. The chief purpose of this examination is to determine, so far as such matters can be brought out by an examination, just how wholesome an applicant's reactions are likely to be in the thousand and one emergencies which driving necessarily creates; in other words, to give the State something that an ordinary examination does not indicate — an insight into his personality and attitude toward the public generally. Perhaps much of the hope of the future lies in this direction.

At this point several questions become pertinent. How large a proportion of our drivers are causing most or all of our accidents? The impression of some people has been that operators of Southern European birth or ancestry, or of relatively humble origin, are the chief offenders; but this is only an impression, which I do not personally hold, and I know of no data to confirm it.

That the total number of accidents is not evenly distributed among the total number of drivers needs little proof. A study of fatal accidents in Connecticut during 1929 revealed the fact that in the case of 90 of the 429 drivers involved the fatal accident was not the result of their first crash or even

of their second; in 33 cases it was the third, in 32 the fourth, and there were a few drivers whose records, at least on paper, appeared still worse. Doubtless some of these drivers had simply been the unfortunate victims of a series of untoward circumstances, but not all of them.

A close study of the physical and mental characteristics of such a group in any jurisdiction should yield large returns. Perhaps it might even silence part of the outside pressure for the restoration of some licenses.

What proportion of accidents would not have happened if there had not been alcoholic indulgence on the part of a driver? Statisticians thus far have been necessarily somewhat silent on this question, for the good reason that no reliable data are available. I have before me a number of tabulations showing the proportion of accidents caused by 'drunken' drivers. In the city of Berlin, in 1928 and 1929, between 4 and 5 per cent of the accidents laid to the drivers were ascribed by the police to drunkenness (*Trunkenheit*); the Connecticut percentage for the same year was barely more than half of this; while that for Great Britain was smaller still, according to coroners' returns on fatal accidents only, made to the National Safety First Association.

But I am convinced that these insignificant percentages give an entirely misleading picture of what is actually happening. One of the foremost German authorities on motor-vehicle regulation has recently written, 'Drivers who drink alcohol are more subject to accidents than abstainers.' Within a month, in talking with two of my friends who have thought long and hard over such matters, I have raised a pertinent question. How large a percentage of automobile accidents are due to drivers who are not drunk, but

have simply taken a couple of drinks, or so, a short time previous? One, an enthusiastic Volsteadian, cautiously put the figure at 30 or 40 per cent. The other, our State Motor Vehicle Commissioner, is convinced that at least half of the accidents following reckless driving, speeding, and the like, are due to liquor. He is also convinced that, in a great majority of these cases, the amount of liquor taken has been comparatively small.

Suiting his action to his convictions, Commissioner Stoeckel has, since last summer, intensified his administrative procedure against those intoxicated drivers who manage to escape punishment by the courts for that offense. I have no sympathy with those who opposed the Commissioner's stand in this matter, for I have always assumed that life should logically be valued above both liberty and the pursuit of what some people call happiness; and one cannot afford to deal gingerly with so serious a menace. The motor-vehicle department of Rhode Island, in a recent bulletin, *Alcohol and the Operator*, said, 'In the average case, but two or three drinks caused the trouble.' I have made no effort to learn the views of other motor-vehicle departments on the subject, so that I have nothing much beyond my strong suspicions. However, I feel quite sure that most departments would agree with me that concentration, caution, and considera-

tion are not usually on the programme of a person who has taken into his system a drug whose 'first effect is blunting of self-criticism, reason, judgment, and volitional control, with weakening of all of the finer social reactions.'

I do not undervalue powerful automobiles equipped with the last word in control and safety devices. Especially can I appreciate the success of the efforts of skilled men of my own profession to build highways ever more serviceable and safe. (Parenthetically, I could wish that they never built one without a sidewalk.) And both publicity and the education of pedestrians, especially the younger ones, will contribute to the solution of this vexatious problem.

Nevertheless, with all this acknowledged, I am certain that ten years from now we shall be enjoying our densely thronged highways with comparative immunity from accidents only if, by that time, through a process of thoughtful selection and education of drivers, uniformly enforced discipline, and careful and constant elimination of the relatively small number who prove unfit and of the still smaller number of potential criminals, we shall have acquired the grace and wisdom to determine which of our citizens have earned the right to operate motor vehicles over and upon the said highways.

A SCIENTIST TURNS POET

BY JULIAN S. HUXLEY

EGO

I AM the Self that cannot die —
Who should know it if not I?
A mental shape, a crystal being,
With limbs beyond mere mortal seeing.

Bright distinctness! I am I:
Through the busy world I fly,
Borne on individual wing
Like the airy Eagle-King.

I possess and I destroy;
Drown in grief and swim in joy;
I mould the dull event like clay,
And speak the dooms of Yea and Nay.

I handle matter; but to boot
I attain the Absolute.
Hark what I proclaim to you —
The Good is good, and Truth is true.

My crystal limbs and comet hair
Glowed into birth I know not where.
Nor care I — enough for me
My eternal self to be.

Thus for better or for worse
I march across the Universe.
Who shall deny that I am I?
The Self that knows not how to die?

(EGO makes to speak, but is interrupted)

ENERGY

Energy. I am Energy. Sublime and meaningless Energy.
I stream in floods across the empty ocean
Of space, where the (island) universes float,
Each like a little lonely boat.

I set the world in motion.

Light, heat, flame, slow subtle transformation,
All destruction, all creation,
The lightest wind, the waves, the river's slipping flow,
The busy piston, pump, cam, dynamo,
Growth of a child, unfolding of a flower,
The fall of a summer shower,
And every manifesting of human power —

There am I, that am I;
I work as I fly,
And change and am born again even as I seem to die.

You there, Self, with your Ego so proudly alone and apart,
Whence do you draw the power to utter the words you are saying?
Where do your limbs find strength for your working and playing?
And at last, when the waiting blow has broken your heart,
How will you bend your knees for your vain and contrite praying?

What I give, and no more,
Is the source of your power;
I allow from my store
What you need every hour.
You would never have been
But for my help in growing;
You are but the machine
Which my stream sets a-going.

(TIME and SPACE, together)

TIME

I am eternal Time;
 You see my ageless face.
 I work through my unending prime
 To change the look of Space.

Self!

Runner of an instant's race,
 Shrink and shrivel — I am
 Time.

SPACE

I am the vast of Space,
 Unbounded and sublime;
 Matter and Energy's market place
 And the workshop of Time.

Self!

You fragmentary speck of mortal slime,
 Shrink and shrivel — I am
 Space.

MATTER

I am Matter. I am the condensation,
 The kink in empty space that provides resistance,
 Precious inertia — mine the sole foundation
 On which swift Energy's flow of fluid emanation
 Fraternally builds reality into existence.

I am Matter. So, proud Self, are you.
 You humans think you're everybody's betters
 Because with merely six-and-twenty letters
 You write the Bible and the *Daily Mail*,
 The *Pink 'Un*, Shakespeare, and the *Old Wives' Tale*.
 My alphabet has letters only two —
 Only Yea and Nay;
 Negative, minus;
 Positive, plus;
 Yet thus,
 With nought but A and B, B and A,
 I am built into every shape in the universe —
 Star-clouds, comets, suns and moons,
 Holy wells and desert dunes,
 Race of tigers, cattle-breed,
 Ferns and their invisible seed;

All human bodies, all human works;
 Scots and Japs and Jews and Turks,
 Jericho's walls,
 St. Peter's and St. Paul's,
 And New York rising into the skies,
 Living lips, fragrant hair, liquid eyes —
 And the final corpse, the coffin, and the hearse.

I am Matter. I am the Whole. And you,
 Small Self, you're a transitory eddy
 Within that whole. Poor creature! So unready,
 You self-appointed Bright Particular Star,
 To know yourself for what you are —
 A complicated bit of matter
 That's all puffed up because it's learnt to chatter.

EGO

Am I not Self that cannot die?
 That satisfied my need.
 Is it not true that I am I?
 That was all my creed.

No Athanasian mystery
 Confusing common sense;
 No *quia impossibile* —
 I was the evidence.

In that belief I learnt to live,
 In that I meant to die,
 Without a fear what Fate might give
 So long as I was I.

When the feet run swift in a race,
 It is I;
 When the dancing limbs are all grace,
 It is I;

When the light smile breaks on the face,

It is I.

It is I who smile you the smile, who dance,
who run in the race.

When the body is ground with pain,

It is I;

When dead hope quickens again —

It is I;

And the limpid thought in the brain,

It is I;

It is I who am thinker of thoughts, who hope,
who must suffer the pain.

Grim spirits — what, will you deny

I am I?

Who withstands you and gives you the lie?

It is I.

You are dead — but who lives though he die?

It is I!

It is I who assert and deny, live and die,
and conquer your heartless lie.

SUPER-EGO

*(In the form of a Categorical Imperative —
a single voice, accustomed to giving orders)*

Silence, you scum! I hear you, if not they.

(There is silence)

I am the pillar of the human temple,

In living rock my firm foundations lie

Below the obscene crypt which you inhabit.

Like your imprisoned gang, I draw my strength

From very depth and darkness; but I then

Plunge up into the light and show myself,

With every line in plumb, and every section

A perfect circle. So I grow aloft

And soar clean out of sight.
 Both sides of light,
 Lie waves that are but darkness of the eye;
 Both sides of consciousness, octaves of mind
 Extend and live in dark unconscious being.

Thus I, above the Self continuing,
 Invisibly support the invisible roof —
 Between the creature and the cold of space,
 Shielding him from the awful Infinite
 And from a God too great to be endured.

But in that roof, from out its echoing lantern,
 From harbors in its unseen sculptured stone,
 Voices are born of me; and thence slip down
 My vertical circle, for the Self to hear.

Still and small, or strong and clear,
 Remote and thin, or within
 The very Ear;
 Voice of counsel, voice of cheer,
 The soundless voice that slaughters choice,
 Voice of fear;
 Voice whose sternness yet is dear.
 Wayward man, do what you can,
 You needs must hear.

Must, must, must!
 Without me, you were only dust,
 Only animal life and lust.
 By my fierce imperative
 I drag you up and make you live
 High and hard and near the skies.
 You mount, and to your climbing eyes
 Horizons new-revealed appear
 Over the shoulders of the sphere.

COUNTRY JUSTICE

BY F. LYMAN WINDOLPH

I

It hardly needed the authority of President Hoover's inaugural to convince the people of the United States that disregard of law constitutes one of the major problems with which the present generation is confronted, and that any intelligent inquiry as to how our laws may be better enforced necessarily involves a consideration of how the procedure of our criminal courts may be reformed.

That a reformation of this procedure is badly needed seems, indeed, to have been taken for granted not only by President Hoover, but by nearly everyone who has discussed the subject during the course of the last decade. The reforms suggested — or actually adopted in certain states — have been many and various. They include allowance of a conviction without proof of the defendant's guilt beyond a reasonable doubt, abolition of the rule forbidding comment on his failure to testify in his own behalf, a reduction in the number of the jury, and abolition of the requirement of a unanimous verdict. Some of these innovations are comparatively unimportant, but in the aggregate they express a profound and growing distrust in trial by jury as a means of administering justice in criminal cases.

Now trial by jury is the most characteristic contribution which our race has made to the practical science of jurisprudence. On that account, if for no other reason, it ought not to be lightly discarded. It was, in its origin, essen-

tially a rural instrumentality, and the interesting suggestion has been made on a number of occasions — notably by Dean Pound in addressing the Judicial Section of the American Bar Association in 1926 — that its present disrepute results very largely from the unsuccessful attempt to adapt it to the needs of an increasingly urban civilization. If this is so, it may be worth while to record the comments of a country lawyer on the trial procedure of courts in the large cities. Many of the matters usually included in the term 'procedure' are so universal and rigid as to be incapable of being changed except by constitutional amendment. Others, however, are entirely local and flexible, and are governed by rules of court, which may be altered at pleasure, or merely by the customary practices of the courts in which they occur. If trial by jury works better to-day in the country than in the cities, perhaps it does so less in the nature of the case than because, for reasons not in themselves compelling, it is administered in the country more nearly than elsewhere in accordance with its own genius and traditions. Perhaps, in short, there has been too much adaptation instead of too little, and the trouble is not so much with the instrument as with the way in which it has been used.

What most surprises a country lawyer about the trial of cases in large cities may be summed up in a single sentence. In most instances the practice followed seems extraordinarily wasteful of time. This comment is the

more surprising because efficiency is, on the whole, preached with more fervor and practised with more consistency in the large cities than anywhere else. Indeed, in every connection except the trial of cases the city lawyer sets a record of promptness which the country lawyer cannot hope to equal.

In the course of a general country practice I have been employed at various times to prepare mortgages intended to secure issues of corporate bonds. A mortgage of this sort is an elaborate legal document whose average length is perhaps thirty thousand words. If I were instructed to-morrow to prepare one, there would be descriptions to secure, forms to consult, and various alternate provisions, both as to the terms of the bonds and as to the remedies of the bondholders in case of default, to consider and pass upon. A large amount of typewriting would have to be done. After the copy had been given to the printer there would be proof to read and corrections to make. At the very least it would take me a week to have such a mortgage ready for execution, though there are law firms in New York which would undertake to do the same work in twenty-four hours. And yet a country judge and two country lawyers can dispose of a murder case in a number of days no greater than the number of weeks which would be required to dispose of it in any one of a dozen metropolitan jurisdictions.

I once made this point in the course of an after-dinner speech in the presence of one of the leading trial lawyers at the New York bar. In the course of his own speech, which followed mine, he said, 'My friend does n't know what practice in the country really is. He ought to move to [the Middle Western state in which the speaker had begun his own practice]. *Out there they will try a case for four days for a fee of ten dol-*

lars.' The remark struck me as significant because of its unconscious disregard of the point really involved. The speaker instinctively felt that it was a foolish thing to try a case for four days for a fee of ten dollars, though presumably not a foolish thing to try a case for forty days for a fee of, say, a thousand dollars a day. And yet it is to be observed that I had spoken — and that I am now writing — not about money, but about time. Great gifts receive, and deserve to receive, a great reward. The testimony is unanimous, however, that four days is a long time in which to try a case in the country.

II

But indeed I do not mean to argue that the jury system is good because it is prompt, though promptness is conceded to be one of its outstanding merits even by those who are opposed to the system as a whole. I mean rather that where the jury system is not administered promptly it is not administered characteristically and therefore is not administered well. Moreover, I am not referring to delay in bringing cases to trial. The problem of the congested court calendar is one peculiar to the big cities, and much good work has been done in recent years in the effort to solve it. I am referring to delay arising in the actual trial of cases from causes which have no necessary connection with the differences between conditions in the country and those in the cities.

Some of these causes were illustrated in the trial of George Remus for murder which took place in Cincinnati during the concluding months of the year 1927. The defendant had killed his wife on October 6 of that year, and his case was called on the fourteenth of the following November. (There can be no denial, therefore, that he was accorded a speedy trial. Not many rural jurisdictions can

show an average record of greater promptness, and I doubt whether greater promptness is in general desirable.) In some respects this was an extraordinary case. The defendant had formerly been a member of the bar, and he took an active and at times a very noisy part in his own defense. In other respects it was, however, an entirely ordinary case. The issues were in no way complicated. The killing was admitted, and the only defense was insanity, the defendant contending that he had been insane when he killed his wife but that he was sane at the time of the trial. Hypothetical questions were excluded, seemingly by agreement, and, as I read the newspaper reports of the proceedings, the testimony of all the alienists examined occupied only one day.

As previously stated, the defendant was called for trial on November 14. On December 20 his case was submitted to the jury, which rendered a verdict of not guilty in nineteen minutes. Including the nineteen minutes, the trial occupied thirty actual days, the time not spent in court between the two dates named being represented by Sundays and one additional day on which the presiding judge (no doubt a loyal alumnus) went to see the Ohio State football team in action.

The first five of these thirty days were spent in selecting a jury, and to a country lawyer this seems unreasonably long. Mr. Justice Riddell, Justice of Appeals of Ontario, Canada, in his interesting review of the Sacco-Vanzetti case which appeared in the *Journal of the American Bar Association* for December 1927, says that he never but once saw it take more than half an hour to obtain a jury in a murder case, and that, on that one occasion, it took forty-eight minutes. I am afraid that justice even in the rural parts of the United States is not quite so rapid as

that of the Canadian variety, but it would be hard to convince an American country lawyer that there can be any good reason for spending more than a day, at the most, in the selection of a jury in any sort of case.

It appears that in Ohio the prosecution has four peremptory challenges in a murder case and the defense sixteen, though in a number of other states, my own included, each side has twenty. On the other hand, the practice followed in Ohio necessitates the selection of thirteen jurors — the thirteenth sitting as an emergency juror but taking no part in the decision of the case unless one of the other twelve is disqualified. As a matter of fact, however, the length of time required to obtain a jury does not depend to any great extent upon rules such as these, but upon the number and nature of the questions which counsel are permitted to ask prospective jurors. In my own jurisdiction the clerk of the court asks each juror three general questions: whether he has conscientious scruples against capital punishment; whether he has formed an opinion; and whether he can be impartial. I have occasionally heard counsel ask questions of their own — usually as to a possible relationship or intimacy with the accused or with witnesses who were to be called. I have never heard an examination intended to find out a juror's state of mind, in the abstract, toward the antecedents of the defendant or toward such a defense as he was likely to interpose. Moreover, I do not know what is meant by seating jurors tentatively. When we seat them we do so for all purposes, and there is no opportunity to revise the decision.

In the Remus case the defendant was permitted to ask prospective jurors whether they would be prejudiced against him because he had (1) served a term in the federal prison at Atlanta, (2) testified before the Wheeler Senate

investigating committee at Washington, (3) testified in the Warden Sartain case at Atlanta, and (4) been involved in the Jack Daniels distillery case in Indianapolis and St. Louis. A juror in answer to questions like these said, 'I do not favor bootleggers.' One of the defendant's attorneys thereupon said, 'You still have that prejudice against bootleggers, have n't you, Miss Thompson?' and counsel on the other side objected — it appears, not because of the scope of the examination, but because, as he put it, 'every law-abiding person is supposed to be prejudiced against crime and criminals.' A little later on the defendant, acting on his own behalf, asked a juror whether the fact that Mr. Taft, who was one of the counsel for the prosecution, was a son of the Chief Justice of the United States would prejudice the juror in the trial of the case. The juror answered, 'No,' and, turning to Mr. Taft, remarked, 'Kind of funny how that is, that examination.' A country lawyer thinks it is kind of funny, too, but five days of it is too much.

It is too much, not because time is of more importance than justice, but because, in addition to wasting time, it puts justice in jeopardy. If the questions propounded were not entirely without relevancy, it is fair to assume that those jurors who, like Miss Thompson, did not 'favor bootleggers' proved objectionable to the defendant, and that their fellows who lacked that prejudice against crime which, in the philosophy of counsel for the prosecution, every law-abiding person is supposed to have proved equally objectionable to the prosecution. Presumably, therefore, the ideal juror was someone without any views whatever about the enforcement of the Eighteenth Amendment. Such Americans are not easy to find, and when found are not likely to prove desirable jurors. Trial

by jury does not presuppose a tribunal composed of twelve persons altogether devoid of ideas, or even of prejudices. It does presuppose a tribunal of sufficient intelligence and courage to arrive, in spite of prejudice, at a just determination of the issues submitted to it.

III

Both during and after the selection of the jury in the Remus case additional delay arose from extended legal arguments, during at least three of which the jurors were removed from the courtroom. On one of these occasions the defendant had asked a juror whether the fact that he had been disbarred as a practising attorney in the State of Illinois because of his conviction for violating the Volstead Act would be likely to prejudice the juror against him. Counsel for the prosecution said that they objected to the question because they knew other reasons why the defendant had been disbarred, and the jurors were taken from the room while the court was told what the other reasons were. In the course of the altercation that followed the defendant said to one of the opposing counsel, 'Man, if I had you in the corridor I would wreck you physically,' and a colleague of the threatened attorney replied, 'Get back on your own side of the railing, or I will take a crack at you.'

It would be hard to show that the jury missed anything in being denied this particular piece of repartee, but it nevertheless seems to a country lawyer that the objection of counsel might well have been ruled on promptly and in the presence of the jurors. Indeed, the practice of removing the jury during the discussion of questions of law is, so far as I know, unknown in the country. When such a question has arisen in the course of a trial I have sometimes seen the trial judge engage in a whispered

colloquy with counsel for both parties before making his ruling. Less frequently I have seen a judge send out for a law book or adjourn a few minutes in advance of the usual hour in order to consult the authorities. The same legal points must certainly come up in one jurisdiction as in another. Most of them may be disposed of in advance of the trial by judgments entered on demurrers or motions to quash the indictment, or after the trial as the result of motions in arrest of judgment or for a new trial. New trials are unquestionably an evil, but I doubt whether an analysis of the reports of the various appellate courts would show that more convictions are reversed in appeals from rural jurisdictions than in appeals from the trial courts of large cities. I doubt, in short, whether elaborate arguments are more effective than brief ones in reducing errors in the admission and rejection of evidence.

Here again the loss of time involved is to be regarded as symptomatic of an ailment rather than as the ailment itself. A trial by jury is a drama which ought to move with as few interruptions as possible to its appointed close. A jury is an entirely casual body, called together for a single purpose and dismissed as soon as that purpose has been accomplished. It passes chiefly upon human veracity, which is at once one of the simplest and one of the most complicated matters imaginable, and it does so without that formalism which is inherent in every professional class. A just verdict depends much less upon the learning and ability of the jurors than upon their maintenance of a certain emotional detachment in which the contentions of both parties as presented in the testimony may be considered and compared. Other things being equal, the shortest trial is always the best.

Moreover, the removal of a jury from the courtroom for hours, and indeed

sometimes for days, at a time makes a very bad impression on the jurors themselves. A number of years ago I took part in a written debate on the question of the abolition of the jury system. Among the letters which came to me was one from a civil engineer, seemingly a highly intelligent man, in Los Angeles. He complained that he had belonged to a peripatetic jury which had been led in and out of court half a dozen times without having been permitted to find out what the case in which it was sitting was about. His point was not so much that this procedure wasted his time and that of his fellows, while the lawyers argued questions which would probably be re-argued in any event, as that the law treated jurors as if they were only quasi-competent, — that is, incompetent to hear the whole story, whether of fact or law, — and he resented what he thought was an unfair reflection on his intelligence.

I am not sure that his attitude in this respect was entirely justifiable, but it serves to demonstrate that if a jury is to do its work well there must be a limit to the number of confusing interruptions to which its members are subjected. There must likewise be a limit to the amount of eloquence to which they are subjected. In the Remus case this eloquence lasted for almost three days. Cases differ so greatly in complexity that it is hazardous to say how much time ought to have been allowed for summations in a given instance, but I think, nevertheless, that most country lawyers would agree with the general statement that no case can be closed more effectively than in speeches limited to an hour for each side. If the facts of a particular case make an hour inadequate, the alternatives presented are to leave something unsaid or to submit to jaded jurors instead of to fresh ones the evidence upon which

alone their verdict ought to depend. The risk of a miscarriage of justice involved in the adoption of the first of these alternatives seems to me in every way less real and menacing than that involved in the adoption of the second. If this is heresy against the traditions of forensic eloquence, I shall have to take the consequences. I am persuaded, however, that it is not heresy, but sound doctrine. When one considers that a lecturer speaking to those who have voluntarily come to listen to him can rarely hold the attention of his audience for more than an hour, it must be obvious that, under ordinary circumstances, a lawyer cannot expect to hold for a longer period what is, in a sense at least, the involuntary attention of a jury.

But it may be said with truth that if we deduct the time spent in the Remus trial in the selection of a jury and in the closing addresses of counsel there remain upwards of twenty days which were occupied with the taking of testimony. I have not said that the Remus case was badly tried, but only that it illustrated some of the practices which make justice less rapid, and, as I view the matter, less certain, in the courts of big cities than elsewhere. Perhaps, indeed, within certain standards of trial procedure, it was excellently tried, but I venture to think, nevertheless, that the examination of the witnesses would have been completed in the country in less than the time which was actually required. This is so because the standard of trial procedure to which the average country judge conforms requires him to rule out as irrelevant much evidence which the average metropolitan judge would admit without question.

IV

In order to test these conclusions, it is not without interest to compare the

Remus trial with the so-called 'witchcraft cases' which were tried a little more than a year later in the small city of York, Pennsylvania. The murdered man was one Nelson Rehmyer, who lived alone in the country about fifteen miles from York. He was what is known as a 'powwow doctor' and possessed, among other treasures, a book called *The Long Lost Friend*, which is a treatise on witchcraft and other occult practices. (I may say in passing that I am the owner of a copy of this book and that, if it confers upon its possessor a tithe of the virtues and powers which it professes to confer, Rehmyer must be regarded as having been a happy man.) During the latter part of the year 1928 a family named Hess, who also lived in York County, had lost numerous chickens from disease and theft. They concluded that someone had put a 'spell' on them, and employed another powwow doctor, whose name was Blymyer, to 'lift' the spell. Blymyer stated that in order to do so he would have to have a lock of Rehmyer's hair and the latter's copy of *The Long Lost Friend*. On the evening of November 27, 1928, Blymyer, Wilbert Hess (a son of the owner of the bewitched chickens), and a boy named Curry went to Rehmyer's house in order to get the lock of hair and the book, and in the course of a struggle killed him.

Blymyer, Hess, and Curry were indicted for murder, and demanded separate trials, which, under the laws of Pennsylvania, they had a right to do. The right in question is purely statutory, and I doubt whether it is wisely accorded. At all events three successive trials were required, the first of which began on Monday, January 7, 1929. The time which elapsed between the murder and the trials was therefore a day or two longer than that which elapsed between the killing of Mrs. Remus and the arraignment of her

husband. In two of the three cases the defense, as in the Remus case, was insanity. In the third case, the defendant denied having struck the deceased, and contended, at least by implication, that he had acted throughout under the domination of his two associates.

The three trials lasted exactly six days.

In the case against Blymyer, which was tried first, three hours were required to select a jury. There were two closing speeches, each fifty minutes in length. The jury deliberated for two hours and rendered a verdict of guilty of murder in the first degree, with a penalty of imprisonment for life, at 7.30 o'clock on the evening of Wednesday, January 9. The trial of Curry began on the following morning at 9.30 o'clock, and a jury was obtained in one hour and ten minutes. At the conclusion of the testimony, counsel for the defendant addressed the jury for thirty minutes and counsel for the Commonwealth for forty minutes. The jury was out for two hours and fifty minutes, and brought in a verdict of guilty of murder in the first degree, with a penalty of imprisonment for life, at 1.42 P.M. on Friday, January 11. Hess was immediately called for trial. In this case the selection of a jury consumed two hours, the final speech of the defendant's attorney lasted for one hour and ten minutes, and the final speech of the district attorney lasted for forty minutes. At 7.25 P.M. on Saturday, January 12, the jury, after a deliberation of two hours and fifteen minutes, rendered a verdict of guilty of murder in the second degree, the maximum penalty for which is imprisonment for twenty years.

The 'witchcraft cases' would have proved a nine days' wonder to the press and public except for two important circumstances. In the first place — and as already pointed out — they did not last for nine days. In the second

place the manner in which they were tried made it impossible for the press to convert them into a wonder of any sort. When the first trial began, at least a hundred representatives of metropolitan newspapers were in court, and the public had been informed that a 'witchcraft trial' without a precedent in a century was about to be held. The truth was, of course, that the subject of witchcraft was involved only to the extent that it had a bearing on the question of the sanity of the defendants and that the cases were not a whit more interesting or important than rural murder trials ordinarily are. The presiding judge refused to permit telegraphic instruments to be installed in the courthouse, refused to be photographed, and excluded photographers from the courtroom. The defendants were represented by experienced trial lawyers. Their cases were presented to the jury in due course, but before the week was out most of the reporters had gone home. One of them afterward wrote a magazine article commenting bitterly on the reception which he had received and contrasting it with his reception at a historical pageant which had been held in the same city a few months previously.

V

I have not read all the testimony in either the Remus case or the York witchcraft cases, and on that account my opinion as to the merits of the verdicts rendered is entitled to little weight. If I were pressed for an opinion I should have to say that the verdict in the Remus case seems to me to have been without justification and that the verdicts in two of the three witchcraft cases seem to me to have been abundantly justified. In the instance of Curry, who was only fourteen years of age, I think a conviction of murder in

the first degree was probably too severe. With these questions I am, however, not primarily concerned. I am comparing general practices, not particular results. The guilt or innocence of all of the defendants was, in accordance with our system of jurisprudence, for the juries which tried them to determine, and the verdicts speak for themselves. Under any system of jurisprudence innocent men will sometimes be done to death and guilty men will sometimes go free. Moreover, no lawyer can be unmindful of the fact that, though all of the verdicts were in accordance with the evidence, they were perhaps quite different from those larger determinations of guilt or innocence in which the law has no part and which, being founded upon knowledge, are without the need of evidence.

So much may be taken for granted. It may likewise be taken for granted

that a question exists as to whether or not trial by jury in criminal cases ought to be retained. If, however, as seems likely, this question is to be answered in the affirmative, the reforms which are most needed are not to be accomplished by constitutional or statutory changes in the rights of accused persons or in the rules of evidence. They are, procedural rather than structural. They depend upon lawyers and judges rather than upon laws and amendments, and upon customs rather than upon formal rules. The country lawyer and the country judge have much to learn from the city lawyer and the city judge, but they have something to teach in return. They speak and act in the authentic tradition of the methods and practices which caused our ancestors to write into the constitutions of the original states their conviction that trial by jury ought to remain as theretofore.

FOR THE PRESERVATION OF THE WAR OF 1812

BY MARGARET WILSON

I

WHY I should have to bear the burden of this responsibility alone, I don't know. I began working in behalf of this episode in our history about two years ago, when I moved to a provincial English town. Our first week there, a neighbor called to collect our yearly subscription to the League of Nations Union. She had an appealing, shy beauty, and though she was seventy years old she managed to make throughout the year more than three visits a day on behalf of this praiseworthy or-

ganization. She had never had any dealings with Americans, and didn't realize that I was one. She happened to mention, as she rose to go, how distressed she was that Great Britain and the United States had not agreed to greater reduction of navies.

'I don't know why we don't concede to them everything they ask,' she sighed. 'Or why they can't concede it all to us. It would all be so much better that way. I had n't understood the situation so well until last week. Then a lady from London was speaking to the Conservative Club, and she ex-

plained it all so clearly. She feels that the Americans are simply stubborn about it. Why should they want to build more ships, she asked, when they are n't a seagoing nation? They won't be able to make them go. They have n't any experience in naval matters. Their ships will just be useless on their hands, all their money wasted. Still, I say, why should we want to interfere? The money is theirs. Let them waste it if they want to. It can't make any difference to us. Let us conciliate them, I say. Thank you so much for your subscription. I must hurry on. Good morning!

I said good-morning feebly. I shut the door after her, and sat down.

'Well!' I said. 'This is extraordinary!'

Should I have told her that I was an American, and given her the pain of apologizing to me for her mistake? Should I have roundly opened her eyes to a few facts?

My husband came in just then, and I must have looked dazed, for he said at once, 'What's wrong?'

When I told him, he chuckled. His levity was intolerable, so I went hotly on.

'If she does n't know anything about history, she must at least have read about Sir Thomas Lipton! Has n't she ever heard of Dewey and Manila Bay, a woman of her age? Has n't she ever heard of the clipper ships? Or of the Barbary pirates? Has n't she ever heard of the War of 1812?' I was just beginning to warm to my subject when my husband interrupted me.

'You mean 1776,' he suggested.

'I do not!' I said indignantly. 'I mean 1812.'

'It began in 1776,' he insisted, grinning.

He knows so much more about my country than most Englishmen that I was shocked. I reproved him.

'The idea of you sitting there telling *me*, an American, that the War of 1812 was in 1776! Don't you suppose I was made to learn all those dates? That was the first war, in 1776.'

He looked blank.

'There were n't two,' he said.

'Of *course* there were two!'

'I don't believe it.'

'Ha!' I retorted, jubilant to be for once so wise. 'I will now prove it to you.' I went to the bookshelves and took down a history of England. I turned to the index. I got a shock.

That whole stiff volume had no mention of the War of 1812.

Undeterred, I took down another. And then another. I took down every single one of them. It was all in vain. What had England done with our war?

'Aha!' said my Britisher.

'You wait!' I said. I took down the first American history I happened upon. It was Muzzey's. I had n't even to turn to the index. There it was, where it ought to have been, seven pages of it. 'Read that!' I hissed.

He sat down and read it all, hastily.

'This is extremely interesting,' he acknowledged. 'But you can't expect us to have known anything about it. There must be records of it somewhere in the Admiralty files. But look at what we were doing at that time! We were fighting Napoleon, in France and Spain and Portugal, and India, and Java, and it was the time of the Congress of Vienna, and all that!'

'But see what a position you are putting me in, as a patriot! What can be more humiliating than to find that the enemy has never heard of the victories you won from him? Old Kaspar may not have known what the famous victory was about, but at least he did know there had been one. No one seems ever to have heard of ours! Do they mean it literally, then, when they

say an Englishman never knows when he is beaten?’

II

I went to the public library, a Carnegie institution, used only by the lower classes and myself, and there I found one English history that gave my war three damning lines. It was n't even called a war. It was called a state of hostilities! I found another short volume which was written by an English soldier as a sort of tribute of friendship to the Americans he met during the Great War. He mentioned what no one else in England ever has, the burning of Washington. The *Encyclopædia Britannica* was a mild salve to my wounded pride. With my husband's help I set about discovering some Englishman who had heard of our war. We outdid one another in devices for bringing the conversation to that topic. I suppose we had asked twenty well-educated, well-bred men about it before we found one who knew what we meant.

He was full of interest in the matter, because he had an estate on Dartmoor and had heard about the American prisoners of war who had been confined to the prison there.

‘The French prisoners used to behave themselves well,’ he said. ‘But your Americans were perfect devils. It took three times as many soldiers to manage them as it did the French. All the same, I like them for it. They were in the right, and I always say that George Washington was the finest Englishman alive at the time.’

‘But he was n't alive. Not in 1812.’

‘Was n't he? Of course he was.’

‘He died in 1799.’

‘You're pulling my leg.’

‘No. Truly. Washington died thirteen years before that war began.’

‘But why were those men still there, then, so long after the war was over?’

The next person who had heard of the war had seen a tablet erected in the church at Dartmoor to the memory of the men who died in prison.

‘That was the war in which there were so many babies,’ he commented.

He seemed to know more about it than I did. When I inquired, he hesitated. I was a woman, and it was a delicate subject.

‘At least, such a lot of daughters. The daughters of that war erected the tablet. Where were the sons, I always wondered.’

I explained about the sons and the daughters, and went on in my quest for a properly appreciative Englishman. I tackled one who sat next me at dinner, a polite man, but inclined to frivolity. When, with practised skill, I asked him if he had ever heard of the burning of Washington, he cocked an eyebrow at me.

‘You don't mean the American Washington, do you?’

‘Yes.’

‘Now none of your hanky-panky,’ he said. ‘I know we did burn Joan of Arc. But George Washington — that's a bit thick! You're trying to stir up enmity between friendly nations.’

III

I persisted. I approached a woman who, after taking honors at Oxford, had been engaged in international work for years, in matters of intellectual coöperation. When I told her of the burning of Washington, she was shocked. ‘It sounds like the Germans at Rheims,’ she said. And then she looked at me thoughtfully.

‘Nevertheless, it was clever of us, was n't it?’

‘I don't see anything very clever about it.’

‘I mean to say — how did we manage to get there?’

'You simply sailed up the river, and the little beginning of a city was undefended and you set fire to it.'

She laughed.

'You Americans are priceless. We simply sailed up the river, did we? Up from where?'

'Well — up the bay. It's not much of a trick to get to Washington from the Atlantic.'

'Oh, a continent is nothing to *you*, of course. I did n't even know there was such a river. After all, it *is* on the Pacific coast, is n't it?'

I knew her well. I spoke to her freely.

'Well,' she protested, 'if New York City is in New York State, why should n't Washington City be in Washington State? And I know for a fact that Washington State is on the Pacific, because I have a cousin there. You ought n't to have such confusing names.'

'You black pot!' I replied. 'Are n't there forty Montague streets in London?'

'I don't know. Are there?'

'That's what I heard. I have n't ever got more than four or five of them confused with one another.'

IV

I made one more effort. I had the opportunity of speaking before a club of charming Englishwomen about the relationship between my two countries. In the genial discussion that followed, one gorgeously beautiful young matron said plaintively, 'I never *can* understand what other people have against England! We never did anything to them.'

That was a fine chance. I asked any woman who had ever heard of the burning of Washington to hold up her hand. The audience was, as they say here, taken aback. Not a hand was raised. Not a face but was incredulous. How-

ever, after a little, one wise woman rose and said that their ignorance more than ever convinced her that all school histories should be written by foreigners. 'Let Americans write *our* school histories, and Germans write them for France, and Sweden for Germany, and France for Russia, and Italy for America —'

We could n't let her go on. It was too shocking, her idea. But she said such a scheme would naturally drive children later to consult the work of their own countrymen and get a balance of truth.

But, since this is n't really practicable, I consider England's way. She does n't let her glories be forgotten. The Battle of Trafalgar has a great important square all to itself; and as for the Battle of Waterloo, Londoners leave and provincials arrive by its railway station. What a waste of hatred and national glory it is to have foreigners going west from New York by a depot called after an adjoining state not in the least likely to be forgotten! Why not change the name of the Pennsylvania to 'Old Ironsides'? That would give people something to think about. And why not substitute for a flat and ignominious name like Central Park something like 'Perry-on-Lake-Erie'? The real trouble is that these victories were not great and smashing enough to commemorate. However, we ought to use what we have.

I am in favor of having New York City called simply 'The War of 1812.' And then, when the British imagine the name refers to their struggles with Napoleon, we shall have a good opportunity to enlighten them. This suggestion may not be received favorably everywhere. But what are we to do? A hundred years have already passed, and are the English *never* to hear about the War of 1812?

THE RELIGION OF COMMUNISM

BY REINHOLD NIEBUHR

I

IN one of the many Russian films which picture the advance of industrialism in that country and which spread the naïve faith that collectivization plus industrialization will create a new paradise, a group of peasants is pictured, seeking deliverance from a drouth by fervent prayers and elaborate religious processions. Their prayers remain unanswered, whereupon they turn to the Soviet authorities, who provide water through irrigation canals, ploughs for the fields, and cream separators for the dairy. As the machinery is unpacked, not to say unveiled, a posture of religious awe and reverence is assumed by all who have gathered to witness the advent of these wonders of modern civilization.

The picture is a perfect illustration of the spirit which dominates modern Russia. Communism is ostensibly a highly scientific and irreligious social philosophy. In reality it is a new religion. Its virtues and its vices are the virtues and vices of religion. The philosophy of communism, which it characterizes as historical materialism, is already developing metaphysical pretensions among its most ardent devotees which go beyond the realm of pure science and partake of the attributes of religious world views. Furthermore, even where these pretensions are lacking, the allegedly scientific and historical conclusions at which communism arrives are held with such tenacity, and issue so unfailingly in dogma which

must not be questioned, that they are out of the realm of science, where tentativeness must remain a virtue and experimentalism is basic to all method.

The religious character of communism goes far to explain its hatred of the traditional religion of the Russian peasant. It hates this religion partly because of the historic association with the oppressions of the past; but if it were as scientific as it imagines itself to be it would be more careful in its distinctions and more tentative in its conclusions concerning religion. It is because it is a religion, which rests ultimately not in reason but upon an act of faith, that it expresses itself so violently against a competing religion.

Religion in minimum terms is devotion to a cause which goes beyond the warrant of pure rationality, and in maximum terms it is the confidence that the success of the cause and of the values associated with it is guaranteed by the character of the universe itself. Obviously communism falls within the terms of the definition of minimum religion, and it may on close analysis prove to have characteristics which go beyond these minimum terms. The degree of ardor, not to say fanaticism, with which it spreads its doctrines in the world, and, where it is in power, makes facts conform to them, could never be achieved by a scientific world view. It is a question whether any scientific world view, or view of history, could be made the basis of social action; and it certainly could not become the basis for the kind of robust energy

which communism unfolds. The facts of history are multifarious and infinite in variety. They do not lend themselves easily to precise conclusions, and certainly not to the kind of conclusions which base political action upon certain hopes and confident prophecies about future history. Pure science discovers many detailed facts about life, and these facts are not in obvious harmony with each other. The philosophies which attempt to harmonize the recalcitrant facts, whatever their scientific pretensions, always have an element of religion in them — that is, they harmonize the facts from a particular point of view which is determined not so much by the nature of the facts themselves as by the way in which a generation or an individual feels about the meaning of life and by what he regards as ultimate and important. Thus the eighteenth century's faith in progress was in its essence a religious dogma. Like all dogmas, it was partially supported and partially negated by the facts of history; but, like all religion, the faith enshrined in the dogma was oblivious of the facts which failed to harmonize with it.

The faith of communism is more realistic because it is less optimistic than the faith of the enlightenment. It does not regard progress as automatic, but it does believe it to be inevitable. It believes in the dialectic of history, and it therefore has a formula which explains the agony through which men must go before they achieve the promised paradise. It has utopian tendencies as certainly as had the eighteenth century, but it is catastrophic and apocalyptic rather than evolutionary in its view of history. Far from believing that history is proceeding automatically toward a millennium, it holds that history is drifting toward disaster. Its saving faith is that somehow the new world will spring out of the dis-

aster. The *deus ex machina* which it trusts is not the God of religious devotion, but a law imbedded in the processes of history. This kind of apocalypticism, which expects progress and salvation only through disaster, is a difficult credo for a sophisticated age or people. The early Christian church had it and the later church lost it. It is less rational because more paradoxical than faith in evolution; but, since reason is usually frustrated by ultimate paradoxes, it may not be so irrational in the end.

Whatever the quality of its rationality, it is a powerful incentive to social action. Its potency derives from its combination of optimistic and pessimistic determinism. Pure optimism enervates action because it makes what is desirable inevitable, and thereby it destroys the inclination to support hope by action. Pure pessimism is equally destructive of moral vigor because men find it difficult to sacrifice themselves for goals which seem impossible of achievement. A world view which is at the same time pessimistic and optimistic is alone pregnant with moral incentive. Its pessimism lifts the individual above the processes of history so that he may judge contemporary facts in the light of his ideal, while its optimism saves him from enervating despair, by promising that somehow victory will be snatched out of defeat. There always remains the possibility, of course, that any determinism, whether pessimistic or optimistic, will destroy the nerve of social and political enthusiasm by reducing human effort to irrelevance. Lenin, the creative spirit of Russian communism, had considerable difficulty with a group in his party which could not conceive of a revolution until Russian society had become ripe for it according to Marxian formula. All the logic was on the side of Lenin's op-

ponents, but Lenin, statesman that he was, did not bother about logic and compensated himself for his practical heresy by a more frantic theoretic devotion to the tenets of Marxism. In this he did not differ widely from the apocalypticists of other ages and religions who were not less zealous in their efforts to spread salvation because they believed that salvation was a gift of grace. It is only in the later stages of decline in the history of religions that their innate determinism becomes logical and destroys social vigor. So it was in the history of Calvinism, which reveals more than one parallel to communistic thought.

II

In all other countries but Russia, Marxian socialism has become, in its main stream, evolutionary, and therefore parliamentary. That is partly due to the fact that, contrary to Marxian prophecy, developed industrialism has created a large middle class and semi-bourgeois elements in the working class which may be won for the political goals of socialism, but which are not sufficiently, or at least not obviously enough, disinherited either culturally or economically to be absolutely pessimistic in their expectation of catastrophe, and not sufficiently divorced from historic ethical points of view to sacrifice all values for the one value of class loyalty in class warfare.

In Russia alone the Marxian dogma of the class war is carried through with rigorous consistency. Historically this was made possible by the complete collapse of Russian society in the World War, a collapse which fitted more perfectly into the Marxian prophecies of doom than any fate likely to befall any modern nation. Economically it may be due to the almost complete absence of a middle class in Russia. Here a

non-industrial society happened by its backwardness to answer to the Marxian description of a developed industrial society in which there would be only exploiters and proletarians. But the real explanation for the purity of the Marxian dogma and the energy of the Marxian programme in Russia must be found in psychological rather than economic and political causes. Communist zeal, springing from a pure and unrelativized faith, has its real roots in the Russian soul, with its bent for religion. It is the soul of an Asiatic rather than European nation, and one which is able, for the very lack of intellectual sophistication, to raise the tentative conclusions of a certain social philosophy to the dignity of articles in a religious creed.

In the European and Western world communism is, and will probably remain, the religion of a comparatively small class of industrial helots who have, by the blindness and the cruelty of their fellow men, been excluded from the cultural as well as the economic privileges of our civilization. The exclusion from the cultural privileges makes a primitive and powerful thrust of an emotional religion possible; and the realities of the situation make it inevitable that this powerful emotion should be a mixture of hatred and loyalty — hatred of a world which must seem thoroughly bad from the perspective of these disinherited, and loyalty to a class which suffers most from that world's limitations. In Russia this religion of a class became the religion of a nation. Here was a whole nation so primitive in its culture that it could give birth to a religion in which robust emotions and high ideals were unreflectively united and not yet subjected to the qualifying and relativizing influences of intellectualism. In Russia a whole nation was still in a state of civilization in which pessi-

mistic and apocalyptic ideas about the future were quite plausible, in which class hatred had more obvious historic justification than in any other country, and in which only the slightest achievements of a communistic régime in eliminating poverty could be hailed as a justification and validation of everything which communism had promised.

The closest parallel to communism is Mohammedanism. It has, or it had, the same consistent determinism; it developed the same fierce ardor; it manifested similar egalitarian ideals because it sprang from an essentially similar simple society in which social complexity had not yet made social distinctions inevitable; it possessed the same ambition to conquer the world, and its warlike instincts were as little qualified as those of communism with ethical considerations which develop in a softer world. It might be added that both religions sprang from what might be called the Near Eastern world, in which the Orient's disregard of the individual life is dangerously united with a brutal vitality which belongs to the West rather than to the more or less pacifistic East.

Communism differs from Mohammedanism in the fact that it was imported to the Near Eastern world, while the Moslem religion is indigenous. Communism is a product of Europe. Its disillusioned realism was the natural fruit of Europe's nineteenth century, which saw the eighteenth century's dreams of progress issue in the horrors of the new industrialism. But, since there was faith as well as disillusion in this new social philosophy, the religious spirit of the East appropriated it for a new religion. So what was to the disinherited classes of Europe avowed irreligion was transmuted by the spirit of the Orient into a naïve religion. As Christianity was born a religion in the Near East and became a theology in

the West, so communism was born a theology, of a kind, in the West and became a religion in the East.

The ambitions of communism toward world dominion will probably come no nearer to full realization than did those of Mohammedanism, which may mean that they will be partially realized. Some of the nations in which the anarchy of capitalistic industrialism is not checked by a higher social intelligence and conscience than now seem available may conceivably fall prey to communistic dogma and power. Furthermore communism may, as the French Revolution and again as Mohammedanism, claim by the sword what it could not win by its logic. The dogma of communism regarding the inevitability of conflict between capitalism and itself sanctifies a militaristic spirit, and the vitality of its imagination makes rather fantastic dreams of world dominion seem plausible to it. Only a sentimentalist could be oblivious of the possibilities of Napoleonic ventures in the forces which are seething in Russia. Historians allege that economic wars have replaced religious wars in modern life, but it is not inconceivable that communism will conduct warfare in which the realistic goals of the latter will be supported by the fervor of the former.

III

Ethically communism holds at least one characteristic in common with all religion: it tends to oversimplify morals. A rational and scientific view of life attempts to construct a balance of all values which the good life requires. At its best that method leads to constructive restraint upon all expansive desires, and at its worst it issues in ethical dilettantism. Religion, on the other hand, usually exalts one social and moral value and makes all other

values subservient to it. Thus Puritanism made the prudential virtues of the rising middle classes absolute, an oversimplification of the moral problem of which the prohibition movement in America represents a vestigial remnant. Pure Christianity makes the virtue of love an absolute, a pearl of great price for which all else must be sold. The ethic of communism is just as simple. Loyalty to the working class is conceived as an absolute good; and any means which serves the end of ultimate proletarian victory in society is justified. This end justifies the use not only of force, but of violence, and of what, under ordinary canons, is regarded as dishonesty.

From the perspective of Western morals such an ethic must be regarded as exceedingly dangerous, and recent history in China shows how dangerous it really is. But it must be admitted that there is more than a touch of hypocrisy in most of the criticisms which Western Christendom levels at communism. The manners and *mores* of the Western world have been fashioned in part by Christianity, but the democratic and the pacifistic elements in a truly Christian ethic have been more of a façade than a foundation for Western Christianity. Behind it has been hid, only slightly obscured, a world in which greed, the lust for power, and, whenever necessary, violence have operated. While it professed brotherhood, Christianity became the handmaiden of feudal slaveholders, and, more lately, of industrial overlords who, for all their ethical and religious pretensions, did not abate any of their claims to privilege and to power. The Christian religion has, furthermore, blessed international conflicts as brutal as any which communism contemplates, and, in many respects, more meaningless. Very frequently it has made loyalty to the na-

tional group as much a *summum bonum* as loyalty to the class group is for communism. Communism is more frank both in its vices and in its virtues than Western Christianity. It wants an egalitarian society and it proposes to construct it by force. The Christian world has also professed the democratic ideal, but has not been very passionate about it and has frequently used force to maintain inequalities in the economic and the social structure.

From this perspective the conflict between communism and the Christian world is one between brutality and hypocrisy, the Christian world being really less brutal than communism but more brutal than it is willing to admit, and less willing to change the inequalities of power and privilege than would be necessary to create a democratic world without violence. But, whatever the moral limitations and pretensions of our world, there are ethical values maintained in the complexities of its cultural and social life which the naïve simplicities of communism would ruthlessly destroy and which only a primitive world can regard as dispensable. Our devotion to liberty may not be as unqualified as we pretend, but it is more real than communism believes when to every indictment of its tyranny it answers with no more than a *tu quoque*. Perhaps it is impossible to make a really rational estimate or comparison of the differences between the virtues and vices of our world and those of communism. What seems important is that the religion of communism belongs to a world so different from that which has developed in Western Europe and America that even our disinherited groups will try slower and seemingly more ineffectual methods of socializing our society rather than run the risks of a communistic revolution or a communistic tyranny.

It is interesting to note that com-

munist as a religion has the same difficulty which all religion faces in maintaining its simple certainties. Every religion, born in naïve faith and drawing its robust social strength from the unqualified character of the faith which animates its devotees, must ultimately face the problem of preserving the power of its faith against the relativizing tendencies of intelligence. Nothing is ever as true as it must seem to be to compel action; and time always tends to destroy these illusions of certainty. A faith which is born in feeling must therefore seek the security of dogma against the foe of intellectual relativizing; and dogma must be defined and defended by a church. Russian communism has both its creed and its church. Marx is its Bible and the writings of Lenin have achieved a dogmatic significance for it comparable to that which the thought of Thomas Aquinas had for the mediæval church.

Like all churches which rest upon dogma and live to enforce it, communism makes short shrift of the heretic. In one sense the Communist Party is not only a church, but a sect or a monastic order within the church. It is a small, periodically purged group within the church of proletarianism which devotes itself to the maintenance of pure dogma and strict discipline. There are some striking similarities between it and the Jesuit order, for instance. Since the party dispenses a desideratum, power, which most men desire greatly and some men hold more valuable than any other possession, it is obvious that the Communist Party will have even greater difficulty than ancient religious orders in preserving and guaranteeing the sincerity of its members. Party members make truly great sacrifices in Russia; but in return these million men are the rulers of the destiny of one hundred and sixty million. Communism may have divorced privi-

lege from power, but there are signs in Russia that when strong men sacrifice the physical symbols of eminence which have been traditionally associated with social position they are the more avid for power itself.

A church which permits complete liberty in dogma runs the risk of losing its unique function and message, on the one hand, and of sinking into anarchy, on the other. Protestantism in religion and liberalism in politics show striking examples of the reality of both perils. But the rigorous discipline which is necessary to preserve the authority of dogma has its own weaknesses. Invariably it is used not only against the heretic but against every creative thinker within the household of faith, and leads therefore to intellectual stagnation. If consistently applied, dogmatic discipline destroys democracy in the community of believers as well as between the community and the world. All decisions democratically arrived at tend, by the debate which must precede them, to sharpen distinctions and multiply problems. A religion which has chosen to go the way of consistent dogmatism must therefore become increasingly autocratic in its church discipline. There was a measure of democracy within the Communist Party in Lenin's day, according to the opinion of competent observers, but Stalin has destroyed most of it. The ascendancy of Stalin is ascribed to his unprincipled shrewdness by his foes and to a statesmanlike penchant for the middle course by his friends; but there probably would have been a Stalin even if Stalin had not been. The logic of the communist scheme of things demanded it. His policy of appropriating at least part of the policy of the foes whom he has previously excommunicated may save the party for a time from a lack of versatility in policy; but it demands too many sacrifices from those who can

think to guarantee honest thought upon important problems within his church.

Meanwhile communism may rule a good portion of the world for years to come. In politics energy is more important, at least from the standpoint of perpetuating a régime, than scientific thought. The world is still looking for workable combinations of the certainty which encourages action and the scientific tentativeness which passes all social programmes under review but issues in no action on its own account. A highly intellectualized world will not long suffer either dogmatism in faith or autocracy in discipline. But it probably overestimates the virtues of its scientific and democratic techniques. Every political, social, and religious ideal waits upon the future for its justification, and must therefore depend for its support upon faith rather than knowledge. Some kind of religion is the basis of every potent social programme. Those who fear too much the fanaticism which is the inevitable by-product of religiously created energy are consigned to social impotence by the multitude of their scruples. Communism is a religion of mixed ethical values, but its energy proves that it is a religion. There is little rational choice between the fanaticism of unreflective religion and the moral enervation which follows in the wake of intellectual sophistication. An intelligent society will try to avoid both perils, but if its social problems are not too urgent it will be inclined to court the dangers of the latter rather than the former. Only a desperate situation and a primitive culture can create the energies and justify the perils of unreflective and unrelativized religious passion.

IV

In spite of the many obvious similarities between communism and other

historic religious movements, many observers will remain disinclined to regard communism as a religion, because they miss in it what they believe to be most basic in religion — faith in a higher power which is interested in man's historic tasks, and works somehow to complete and to perfect what man designs. It is just this faith which historic materialism ostensibly disavows. The question is how seriously one ought to take this disavowal. Marxian thought rests upon an inversion of Hegelian philosophy in which economic circumstance is substituted for the eternal idea as the determining factor in history. But confidence in the unfailing potency of the dialectic of history is so great that it may be said to rest, not upon the conclusions of an historical science, but upon a metaphysical and therefore upon a religious world view. Max Eastman, in his brilliant book, *Marx and Lenin*, has gone to great pains to reveal the metaphysical rather than scientific elements in Marx's thought, a limitation from which, according to Mr. Eastman, it must be redeemed lest this doctrinal impurity finally destroy revolutionary vigor. Mr. Eastman is right in his analysis of Marxian thought, but wrong in the conclusions which he draws from it. Metaphysical determinism, organically related to the confidence of religion that the universe will finally support the values of its devotion, may be logically inimical to social vigor; but in the early and vigorous periods of a religious movement such deterministic elements in its thought have usually strengthened rather than enervated enthusiasm for a cause.

Ostensibly communism makes no metaphysical pretensions, but in reality its confidence in the ultimate triumph of the proletarian cause is supported, not only by an analysis of history, but by a mystic and ultra-rational faith

that something in the character of reality itself is the guarantee of this triumph. For the communists, no less than for the devotees of other religions, the stars in their courses are on the side of the cause to which they are pledged. In Trotsky's interesting autobiography, *My Life*, he brings his reminiscences to a close by the following significant quotation from Proudhon:—

The movement [of history] is no doubt irregular and crooked, but the tendency is constant. What every government does in turn in favor of revolution becomes inviolable; what is done against it passes over like a cloud. I enjoy watching this spectacle, in which I enjoy every single picture. I observe these changes in the life of the world as if I had received their explanation from above; what oppresses others elevates me more and more, inspires and fortifies me; how can you want me to accuse destiny or to complain about people or curse them? Destiny—I laugh at it; and as for men, they are too ignorant and too enslaved for me to be annoyed by them.

Trotsky's comment upon this quotation is: 'In spite of their slight savor of ecclesiastical eloquence, these are fine words. I subscribe to them.' It is interesting that the religious overtones in Proudhon's credo are not lost on Trotsky.

Intellectualized people and ages have difficulty in accepting the assurance of religion that the highest values of their devotion have some cosmic validity and support. Their difficulty arises from the fact that pure rationality can never justify this final assumption of robust faith. It is, moreover, filled with moral peril, for it easily raises the relativities of history into the eminence of cosmic absolutes and reinforces the devotion of those who live by and for them. A very bad system of morals may thus become entrenched in the imagination by the authority of religion. But that means merely that re-

ligion is dangerous because it is potent as a source of vigor and inevitable as a fruit of robust social enterprise. Just as certainly as generations which observe life rather than live it lose every confidence in any relationship between cosmic forces and human enterprise, do generations which give themselves passionately to a great task come ultimately to the conclusion that their cause is supported by more than their feeble efforts. To make the world rational by its irrationalities, to unite what seem hopelessly irrelevant to each other, human effort and cosmic immensity—that is religion's task and virtue.

Communism will never ascribe personal character to cosmic reality, nor relate an individual believer to God in a sense of intimate dependence. It does not have sufficient concern for individual personality to do this. Its aversion to the individual is inspired, not only by a reaction to the moribund individualism of the bourgeois world, but by the general depreciation of individual personality in the Oriental world. Buddhism, it will be remembered, is also without faith in a personal God. Unlike Buddhism, however, communism is totally oblivious of the profundities of feeling and aspiration, of hope and of fear, which the individual man experiences when he faces the total problem of life. It is out of insights which men achieve when they face this problem that the most spiritual religions are fashioned. Communism can therefore never be a religion of individuals, but only of groups and classes who are so busy with a social or historic task that they have not had time or inclination to feel the problem of life itself profoundly.

The insinuation of communism, that traditional religion is a preoccupation of leisured people, is not without merit. It is a preoccupation either of the poor

who are content with their poverty or of the comfortable who have no pressing bread-and-butter problem and who are therefore enabled and forced to raise ultimate problems about the character of man, his destiny in the universe, and the significance of his tragic eminence and impotence within it. When communistic Russia has ful-

filled its dreams of an industrialized and collectivized world from which poverty has been abolished, it will realize how many problems of life still remain unsolved, and how inevitably the individual as well as society makes his claims upon life, suffers from its frustrations, and hopes for redemption from its limitations.

WHEN BUYING JAPANESE PRINTS

BY KEN NAKAZAWA

I

THE penalty I pay for being a teacher in Oriental art is that I am constantly called upon to pass judgment on Japanese prints. Collector after collector batters at my door, demanding that I give opinion about his pet prints. Occasionally I am allowed to escape with an evasive remark such as 'This is one of the subjects Hiroshige loved to paint,' or a noncommittal subterfuge like 'This is quite interesting.' Most of the time, however, I must stand with my flimsy back to the wall, and receive a full charge of rapid-fire questions.

One interesting thing about my tormentors is that their questions seldom go beyond the matter of originality of the prints. 'Is this the original?' they ask with startling uniformity. 'Is this one of the very first prints made?'

They apply the same method of evaluation to the prints as they do to paintings and sculpture. They believe that if a print is original it is the best.

When we speak of original prints, we mean those produced from original drawings. The prints made from or in

imitation of the originals are called 'reprints' or 'imitations.' Now, each group of these originals — the prints created from one drawing — usually numbers two or three hundred. Not all of these are uniformly good. There are all grades and qualities among them.

This variation in quality occurred mostly during the process of printing. At this last stage of production many things — some unavoidable and some unexpected — were apt to cause various defects in the color prints.

Take, for instance, the works of Harunobu. Harunobu, being so extremely delicate in sentiments and technique, used thin lines, which had a tendency to wear out toward the end of printing. Consequently the prints that were produced after one hundred or so impressions show effacements here and there. This defect is sometimes present even in the prints of such artists as Hiroshige and Kuniyoshi, who specialized in heavy lines, for the last impressions are occasionally bound to be inferior to the earlier ones. The very first impressions, on the other hand, are

usually not so good as the later ones, for the wood blocks do not begin to 'take' the paper and to show the full effects of the color until after some use. Some publishers were conscientious enough to destroy these premature products, but some were willing, or were driven, to market everything they printed.

Difference in the quality of the prints occurred also through a change in printers, for sometimes the work changed hands while the printing was in progress. The difference is noticeable especially when the change took place among great printers. Some printers were better artists than the artists themselves, and they produced masterpieces from commonplace drawings. Those notan effects, relief effects, and snow effects, which we admire so much, were created by printers skilled in the use of the wipe-off method, and in the handling of cotton and rice flour. When these printers yielded their post to others, the grade of the prints went down several degrees.

The quality of prints suffered also from the excessive speed employed in their making. Toward the end of the print period, and especially after the time of Utamaro, print making was thoroughly commercialized. The publishers of that time were out to advance their interest by treating timely subjects. They kept their ears to the ground and depicted anything that had aroused, or was likely to arouse, the interest of the public. Because their patrons were mostly common people, they portrayed those persons and incidents that were likely to interest the lower classes. A popular courtesan in a sensational scandal, a famed actor playing a favorite rôle, 'smoke-eaters' engaged in a spectacular fight, great wrestlers battling for the glory of their camps — these were the subjects they brought out in their prints.

When treating such timely elements, speed is all-important. Accordingly the publishers went after the artists with guns and whips. They kept swift-footed messengers at the artists' doors, to carry back the drawings the moment they were finished. Then they put the carvers and printers to work, lashing them to the last degree of efficiency. The prints were snatched away before the ink on them was dry, and were sold all over the city.

Publishers did anything and everything to get ahead of others. The process was pretty much the same as that applied to a newspaper at the coming of big news.

Laboring under such tremendous pressure, one can seldom do full justice to his art. There is something missing — something not quite up to his usual standard. Consequently some of the prints produced under such circumstances show a number of imperfections.

Another fact that limited the æsthetic value of the originals was that many artists were compelled to paint subjects that were unsuited to their natural taste or talent. Each artist had pet subjects and a technique of his own. Harunobu was most skilled in painting young lovers, Kuniyoshi in depicting warriors and wrestlers, Utamaro in portraying women, and Sharaku in reproducing the feel of muscles. When these artists worked in their chosen field in their own way, they produced masterpieces. Sometimes, however, they were forced to treat subjects that were quite foreign to their taste. Some artists had sufficient wealth or courage to spurn such demands; Utamaro, for instance, persistently refused to paint actors. Many, however, were so situated that they must bow to the dictum of the publishers, and these unfortunates made kindling wood, so to say, out of their cherry trees.

II

All this shows how far one must go beyond the question of originality. One must see not only that the print is original, but that it is well made, and that it represents the best work of the artist.

Suppose a collector is buying the work of Hokusai. He must remember that this artist was more of a creator than an interpreter. Hokusai was extremely subjective in his attitude, regarding his subjects merely as a medium of self-expression. That was the greatest power he had. Because he considered men and nature as the materials with which to build a castle of his own, he could create a picture out of anything. A blade of grass, an insect, a spider web, a piece of fruit, became a picture under the magic of his art.

Hokusai had a deep interest in the dramatic side of nature. Mount Fuji towering amid flaming thunderclouds, a giant wave crumbling over fishing boats, a belching volcano hurling thousands of things into smoke-blackened air, great waterfalls thundering down from mid-sky to the unfathomed abyss — these were some of his pet subjects.

He also loved to give ingenious twists, so to speak, to the things he saw. Being a great technician, he could knead his subjects into any shape. Mount Fuji framed in a giant barrel, or standing under the limb of a monstrous tree, from which a woodcutter is hanging head down with his axe poised for a stroke, or mirrored on the back of a tray held by a beauty — such pictures show this side of his genius.

Having a powerful imagination, Hokusai took great interest in imaginative scenes and creatures. Heaven and hell, the land of immortals, the home of fairies, haunted houses, ghosts and goblins, fantastic birds, supernatural animals, he vividly described. His

pictures of ghosts and supernatural beings — like Sho Ki, a fiery smiter of demons — are among his masterpieces.

Hokusai was one of the few print artists who made a thorough study of human anatomy. His human figures are not only correct in proportions, but full of life. Even when treating such difficult matters as long legs, long arms, or men in all forms of contortion, he gave them perfect balance, proportion, life, and action.

In this respect he was like Kuniyoshi, who utilized Occidental realism in his human figures and spared no efforts in depicting the natural appearance of things. It is said that on one occasion Kuniyoshi pushed over one of his pupils in order to study the look of surprise on his face. He owes much of his fame as the master painter of wrestlers to his conscientious efforts to portray things as they are.

When buying the works of Hokusai one should remember these things and try to find the prints that represent the particular taste and talents of this great genius, avoiding, however, the ones in which the power of the artist has become his weakness — that is, those in which he showed his ingenuity and creative power to excess. Some of his pictures are so extremely overdone that they give us no opportunity to exercise our own creative ability. Everything that a human mind can possibly imagine is painted in such prints, blocking every tentacle of imagination and adventure we stretch toward them. Unless one is making a complete set of Hokusai, one should avoid these obvious specimens.

III

If the collector is selecting the works of Hiroshige, he should take into consideration the fact that this artist, unlike Hokusai, was essentially an inter-

preter. He depicted man and nature from the point of view of the interested observer. The life he portrayed was the life lived by the people of his time, and the scenes were the scenes he saw himself. Of course, some of the things he painted were not correct, because he had a weak memory and forgot many of the things he had seen. His second Tokaido Series is a case in point. As this group was produced many years after he had visited the fifty-three post villages of the famous highway, he could not remember some of the details. But in the main his description is correct, and interprets the truthful aspects of people, locality, and time.

Hiroshige was a poet among the print artists. His products are full of lyrical qualities. Take, for instance, 'Suijin Forest along Sumida River.' A cherry tree spreads its laden boughs over a temple yard lying far below. In the river that sprawls beyond the red gate, the temple, and the sacred trees of the temple yard, two white sails and a long raft are slowly gliding. Beyond this river stretch long forests, dotted with small houses. Over these forests, separated by long, silvery mist, towers a mountain.

'The Pine Tree of Karasaki.' A giant pine tree stands in the centre, towering like a green mountain. Over this ancient tree rain falls like a jeweled screen.

'Kiri Batake of Akasaka.' Trees along a river bank, full of foliage and intensely green, form a sort of tall hedge over the houses, where lights are seen. Beyond the river are further rows of trees, one darker than another. People are walking under dainty parasols. Over all these falls gentle rain.

'Evening Moon of Ryogoku.' Huge bridge posts in the foreground partly hide the full moon. Beyond these posts, a number of houses and a half-moon bridge are etched against dark

forests. In the river are a number of ships, some moored and some sailing, some in the gray shadow of the bridge, and some in the silver of the moonlight.

'Maisaka of Tokaido.' Cone-shaped rocky mountains rise amid a waveless sea. Huge white sails near the front bring out the green of the young pine trees standing along the shore. Far beyond is the white peak of Mount Fuji.

'Hagi Temple.' In the centre is a huge monument under a tree. Promontories and a bridge separate the inlet and the main stream. There is a great forest beyond, and beautiful locust trees everywhere. Some people are sitting on the river bank and some are walking among the trees.

'The Moon of Saruhashi.' Under a bridge spanning two dark cliffs a full moon, half hidden by a tree, shines over the white mist lying between the valley below and the sprawling mountains beyond.

'Night Scene in Yoshiwara.' Enormous cherry trees spread their boughs over the houses, with quietly winking lanterns, up into the sky. Against the moon the blossoms are pale; against the dark roofs they are white; against the light shining through the paper doors they are, again, pale; against the light of the lanterns below they glow in the color of sunset clouds.

'Evening along Kiso Kaido.' A row of ancient trees, some upright and some twisted, separate the highway and the darker forests and mountain beyond. A full moon hangs on the branch of one of the trees. On the highway are a number of tourists, some carrying bundles, some leading horses, all absorbed in the beauty of the night.

'Night Scene in Tsukuda Shima.' A half moon and large stars in a gray sky. Over blue water, a number of ships. From the edge of a fishing craft two lonely torch fires, rising like in-

cense smoke, drop their light into the water.

These are all full of poetic imagery.

Hiroshige was also a humanist, and was fond of painting humane aspects of man and nature. He could never portray scenes of stark tragedy or horrible brutality. Everything he painted — men, animals, nature — is gentle, humane, and joyous, if not joyful. Beside a road, in evening twilight, tourists are swapping stories around a bonfire. A few horses are standing near them, with their heads bent close to their masters. A great tree hangs its branches over the group as if to protect them from the chill of the night. Such a scene he mostly painted — a scene in which men, animals, and nature are beautifully harmonized. Even when depicting snow and rain, he did not show the snow that withers trees and stifles men, or the storm that tears at the houses and whips torrents into fury, but the snow which comes to hang flowers on the bamboo trees and ancient pines, and the rain which cuts the air like silver harp cord or falls to banish the summer heat and freshen wild flowers. Pictures treating rain, snow, and mist in such a way are among his greatest masterpieces.

Being so gentle and humane in their tone, many of his paintings lack power and depth. But this defect, if it is a defect at all, is more than compensated by the kindly warmth which radiates like sunshine from the hearts of his paintings.

The rain pictures of Hiroshige, by the way, are not only gentle and humane, but musical. They make us hear the rain singing among the bamboo forests of Shono and over the rice plants of Maruyama, and drumming over the zigzag bridge of Seta and on the leisurely waters of Sumida River.

The collector might remember also that Hiroshige was a man of loneliness.

I do not know whether this was due to his nature or to the influence of his time, for he lived when the Yedo period was about to write the last page of its history. While the people sang amid blossoms and danced under lanterns and multicolored streamers, the tide of time had flowed on, and the shadows had come to hide the glory of the Yedo period. Perhaps, in his delicate mind, Hiroshige felt this approach of the end; or perhaps the whole scene around him bespoke the time when the fairest of the flowers in the history of Japan must answer the call of wind and evening bell.

Everywhere in his pictures we find a mark of loneliness. An old pilgrim following his weary way under moonlit trees; pale smoke rising from a desolate plain, where shadows are fast gathering; a solitary lantern sending its yellowish light from the edge of an old, old port; an aged wanderer warming his hands over the fire under a great tree, and beside him a horse, which sidles up to him as if it too were tired and full of loneliness — all these show this side of his artistic sentiment. Even in the prints showing the gayest scenes there is a suggestion of loneliness somewhere. Take, for instance, 'The Opening of Ryogoku Bridge.' The bridge is full of people and the river is full of ships. Giant fireworks splash flowers in the sky. And yet there is a shadow of loneliness. Sometimes this shadow turns a scene of greatest joy into a vision of poetic sorrow. All the people and flowers and lanterns seem to be laughing and dancing to hide their tears. They make us think of the nightingale singing amid falling blossoms.

IV

And now, how to judge the prints in respect to originality. This is a highly difficult task; first, because there are

many extremely clever imitations; secondly, because some originals, through poor preservation or use of the wrong method in washing, have acquired the semblance of reprints and imitations; and, thirdly, because a number of prints bear the kind of colors that are usually ascribed to reproductions. A solution made of the ashes of rice straw is usually employed in washing soiled prints. When this solution is too strong, or when other compounds are used, some of the colors fade. Even when the right preparation is used, if the washing is done too often the prints lose some of their original qualities.

Some experts say that the presence of anilin dye is the infallible mark of imitations, but this opinion holds true only in respect to the earlier and mediæval products. There were times when anilin dye was used on original prints. When the mineral dye invaded Japan, it took the country by storm — it was so cheap, so easy to apply, and so gay in effect. To a man of lower taste it seemed like a vast improvement upon vegetable colors. Hence some publishers used it on their products.

These facts make the process of judging prints extremely complicated. Still, the matter is not entirely impossible. There are certain guideposts by which one may proceed with a fair degree of safety. One such is the quality of colors — particularly of blue and black. Let us, for the sake of clearness, ignore the originals on which anilin dye was used. They are sufficiently limited in variety, if not in number, to be kept out of our discussion. The blue used on the other originals was a vegetable color, and it has the freshness, softness, and depth characteristic of vegetable colors. It is the sort of blue you find on the back of a bird, called indigo — soft, deep, and velvety, contrasting markedly with the pale, hard, shallow blue of the anilin dye. It is different even from

the vegetable blue that is now being produced in Japan. The Japanese are using the same kind of vegetable and the same process of extraction and curing, but somehow the color is different from the one the print artists used. For all their efforts, experts are unable to find the cause of this difference.

The black of these older originals is also different from the kind modern printers are using, which is mostly made from carbon formed of wood, coal, and mineral oil. The print makers lived at a time when vegetable oil was burned quite extensively, and used carbon collected from this type of oil, bound by gelatine and made into ink sticks. The black so produced has more depth, softness, and brilliance than the other.

The red of the print artists is also different from that of the present time. It is richer in tone, though not so bright and gay; it has softness, quietness, and depth, like the red on the cheek of a ripe apricot. Mineral red is like the color of a ripe apple — brilliant and intense, but shallow and hard. It is more difficult for a layman to determine the difference in quality of the red, however, than of the blue or black.

All the vegetable colors used on the prints are more durable than the mineral colors, and preserve their vitality longer than anilin products. Shrewd dealers sometimes show prints that are faded and browned by so-called great age. At such a time one must closely examine the colors as to their vitality. Vegetable colors may fade, but they seldom lose their life under ordinary circumstances. Somewhere in their texture they preserve their original freshness and clearness, and those that show pale and lifeless under the coat of yellow or brown are not real vegetable colors. I may add that those precious brown and yellow tones which some people take as the unmistakable proof of antiquity are frequently produced by

smoking, or by painting or rubbing a certain color into the texture of the prints. I might add also that those lovely wormholes are occasionally made in five minutes, instead of in a hundred years.

The texture of paper is another guide-post one may follow. Original paper was made from the bark of a tree similar to the mulberry, and has the same texture as the inner bark of that tree. It is soft, heavy, and pliable — a good deal like so-called rice paper, though not entirely so. One can acquire the touch only by feeling the original and then comparing it with others.

V

In determining the originality of a print, therefore, one must see, first, what types of colors were used; secondly, how much of vividness and vitality these colors preserve; thirdly, on what kind of paper it was printed. There are several other things one should consider, but they require a fair knowledge of Japanese language and history.

This method of judging prints is quite helpful, but not always infallible. Even the greatest of experts is occasionally taken in by imitations. But there is another thing to think of. If

one buys a print for its æsthetic value, the question of originality need not trouble one very much. The prints are no longer curios; we collect them for their artistic value. The costliest prints of Sharaku and Kuniyoshi are valueless unless they add to the joy and beauty of our lives.

One day a friend of mine bought a print simply because she liked it. It was the work of a minor artist, and a crude one at that; but she bought it because it appealed to her. In this picture a number of young country girls are playing under a huge plum tree. One of them is mounted on a bundle of dry branches she has collected in the hills and is bringing down a shower of blossoms by bending a branch of the tree. Another is dipping her toes into a tiny stream, which ripples like a wind-blown streamer. It is a picture of girls in the springtime of their lives extracting a full measure of joy from the springtime of the year. Despite crudeness of technique, it brought the fresh beauty and gay spirit of spring vividly into my heart. When buying such a picture, one cares not whether it be an original, a reprint, or the work of a nameless artist, for he is appreciating art in the way it should be appreciated.

WHIRLWINDS OF SPECULATION

BY SAMUEL SPRING

I

THE demon speculation, scattering wild booms and still wilder panics, hovers over us as the abiding affliction of our machine age. Yesterday it was the demon of disease sweeping periodically across great continents, or the demon of scarcity arising from the niggardliness of earth in the face of mounting populations. From these and from other similar afflictions science has set us free, only to leave us in the sardonic plight where fertility and the oversupply of every commodity from petroleum to silk, under the hand of the playboy speculation, have become abundant sources not of happiness but of misery. Seemingly a savage jest is being played upon our self-sure, scientific generation.

For speculation is the ghost of everything abhorrent to science in industry, which worships, before all else, foresight and cautious calculation. And yet scientific business leadership seems able to do no more than attempt to talk speculation to death by cryptic public appeals. Our communist friends in the meantime praise speculation as the borer that will surely destroy the tree of capitalism. Our moralists anathematize it furiously as human effort gone wrong, because the end which it seeks to attain — gain through quick wits rather than through slow toil — is ethically indefensible. Our psychologists dismiss speculation as a minor phase of mob psychology. Our politicians and our bankers blame each

other and everyone else for fomenting rather than curbing the evil. Yet the ebb and flow of speculation, in regular cycles, go on without check and give promise of going on disastrously.

This passion for speculation, seemingly innate in human nature, must be viewed apart from certain more basic causes of our present business distress. For speculation is not a controlling force. Rather it seems akin to an impenetrable fog that periodically settles down upon the busy channels of business activity, causing innumerable collisions and widespread blindness. It quickens or retards basic economic tendencies instead of creating them. It destroys by causing our business leaders and our investors, and above all our investment and our commercial bankers, to ascend to dizzy heights of self-delusion only to plunge helplessly and hopelessly toward the pits of disaster. Thus, scientific industrial acumen is deflected from the control and adjustment of those more basic factors which are retarding and shaping our modern civilization of wealth. Technological unemployment due to the substitution of machines for men, with the consequent ills of a steadily increasing army of unemployed; distortions of the direction of commodity prices by reason of a lagging and insufficient production of gold or by reason of the sterilization of our existing supplies of gold through nationalistic, provincial outlook; disturbances arising from stupidly adjusted war debts or from tariff barriers; the ever-pressing

problem, in an industrial age, of devising consumption to absorb the waxing output of improved productive machinery, born of technical skill and accumulated earnings — these riddles of our modern age must be considered apart from speculation. The demon of speculation is merely the bull in the china shop which raises havoc with all schemes and all devices to understand and master such economic tendencies. Our immediate economic task, therefore, is to make progress toward fettering this mad disturber.

But can speculation be fettered? Are we dealing with human emotions which defy control? Certainly we cannot fetter speculation by our naïve American tendency immediately to enact a law. Making short selling — that *bête noire* of the amateur economist — a crime, or attempting to forbid speculation in securities by imposing a heavy tax upon the resale of stock recently purchased, would obviously be impractical as well as futile in a democratic state. So, too, an effort to distort and distend the functions of the Federal Reserve System, by charging it with the power and duty to ration supplies of credit to the stock market, would be an unworkable and paternalistic venture.

But to dismiss speculation despairingly as mass madness which descends upon the public in recurrent waves, and to insist that such mob folly is incurable, must remind one of the mediæval attitude of despair toward the great plagues that then raged through Europe. The havoc and poignant suffering which these whirlwinds of speculation leave in millions of hearts call for at least an attempt at more than a fatalistic, primitive-minded meekness. One thing at least can be made clear by a survey of the monotonous regularity of the internal processes of speculation — its roots

run far deeper than the shallow soil of the public's emotions and intelligence.

For speculation is but a necessary and a beneficent human instinct gone wrong. So long as we have an individualistic, capitalistic system, the impelling force to human action in industry must be a self-reliant though discerning eagerness to profit personally. And as a part of such an economic system there must be an adequate flexibility permitting unrestrained freedom, on the part of those who manage and invest, to buy and sell the elements of wealth — commodities, land, securities. Fraud and coercion the State can restrain; but, unless we wish to go the road toward communism, the State must leave every buyer and every seller free to act as wisely or as foolishly as his intellectual and emotional capacities dictate.

In the last ten years we have had in America three unequaled uprushes and collapses of speculation in the three chief elements of wealth: commodities, land, and securities. After the Great War, in 1919 to 1920, we suffered a mad speculation primarily in commodities, although there were great accompanying excesses in securities. Shortly after that bitter experience, we rushed into a mad and unparalleled speculation in land in Florida. We are closing these eventful ten years with a unique, international economic disaster, partly resulting from six years of turbulent, world-wide speculation in American common stocks. The record is a dismal one. It becomes dismaying if we must fear that during the next decade we must reel under similar periodic whirlwinds.

Ten years ago America became the economic master of humanity, and Wall Street the financial centre of the world. Have we proved adequate to the heavy burden of power and responsibility thus assumed? Were our

English friends farseeing when they consoled themselves with the prophecy that our banking inexperience and our emotional, financial ineptitude would force us to let unparalleled advantages fall from our hands? The past decade of speculative excesses must at least suggest that we scrutinize speculation objectively and dispassionately, in its relation to our American financial methods, if we would glimpse the future of American financial supremacy and of American prosperity.

II

The first stage in each of the three outbursts of speculation which occurred during the past ten years was an apparently miraculous opportunity for industries and investors permanently to enlarge earnings, or profits on re-sales, through a deep-seated though sudden change in economic tendencies. These economic changes to the calm observer seemed superficial and illusory; but, by reason of the staggering profits made by those who acted on the contrary conviction, even the wise were led to distrust their own reasoning.

In 1919, because of novel economic factors created by the long war, the demands of the American market for luxuries and for general commodities seemed so vast and unending as to be certain of continuing in increasing vigor for several years — even for several decades. . . . Next, we concluded that a great migration of population was in process that would suddenly convert Florida, America's most backward and neglected pioneer state, into an Arcadia of mingled play and industry. Or we accepted Pollyanna assurances that an abundance of gold and of credit and prosperity meant that everyone would invest in land and at the same time take a winter vacation — in Florida. . . . And finally, four

years ago, we became convinced, once and for all, that the earnings of our great industries — by reason of the magic of a superior business technique directing superior machines — would expand miraculously, without rest or interruption. Silly conceptions these all seem to-day; yet the initial profits made by those who accepted these extravagant theories were more potent than experience or reason. Such is the outstanding characteristic of the first stage of speculation — momentary results are more potent than logic.

The second stage of each of these speculations was a seemingly urgent scarcity of the units of speculation — commodities or real-estate lots or sound common stocks — and an outburst of imaginative eloquence in picturing the results of an enduring scarcity. Reasons for the continuance of any scarcity are never lacking. Suave, even sincere propaganda, in the guise of ultramodern economic theory, always becomes a characteristic of the second phase of speculation. For these new economic theories become part of the sales propaganda of those who imprudently, rather than maliciously, exploit the opportunities offered by the new economic era.

Because of this fancied scarcity of the units of speculation, and because of the consequent mad scramble to acquire them, the basis of computing price factors in this second stage is slowly, though boldly, changed. No longer are prices fixed by the usual method of utility — the capitalization of the income obtained as rents or dividends from land or stocks by multiplying such income by some such numeral as ten. No longer are the prices of commodities fixed by the standard of what they can be resold for in manufactured form. Slowly, optimistically, we tend to accept, as the master index of value, the price at which the unit of speculation can be resold to other

speculators. Market prices and market trends become supreme. The conservative speculator, who seeks to delude himself into believing that he is buying solely for a long investment holding, is largely controlled by the conviction that prices will mount, without more than minor fluctuations, in about the same general ratio as in the immediate past. Without much difficulty he convinces himself that earnings and therefore prices will increase yearly after the manner of an arithmetical progression.

This rapid rise of prices, because of fancied scarcity and because of the new methods of fixing prices, creates the other marked characteristic of this second phase of a speculative boom. Credit becomes scarce. But the restraining powers of credit scarcity are somewhat exaggerated. Speculation, it is usually said, ends either because prices topple of their own weight or because credit becomes so scarce that new buyers are prevented from buying. And the conventional theories of controlling speculation are either that speculation must be left to run its mad course until prices topple over or that, since a credit shortage alone can serve to end a speculative excess, the rationing of credit is the only effective method to end speculation.

But an examination of these maxims must make us suspect their soundness. For the belief that speculation ends because prices topple of their own weight must mean that prices reach such absurd heights that even the insane refuse to pay them, and that, buyers being lacking, the whole structure falls over like a house of cards, of its own weight. Yet the general range of prices reached at the crest of any speculative boom to the vast body of speculators never seems absurd — not even after the collapse of the boom. We are familiar in this country with the phenomenon of sound stocks, after

an intervening panic, exceeding the top prices of the previous boom. So, too, with the price of selected parcels of land in outstanding localities. The permanent increase in value over a period of years is staggering and confirms previous seemingly extravagant estimates. Commodity prices, also, make new highs as well as new lows. For the rise and fall of prices involve extremes. The occurrence of unexpected events, which affect prices favorably as well as unfavorably, renders it unwise for any person to insist that any range of prices is absurd. The stubborn hope of a speculator who buys at the top is to hold on in the hopes of getting out without a loss; and often his patience and courage are rewarded. Thus it is difficult to say, at any time during a speculative boom, that prices become so absurd that they topple over of their own weight.

Scarcity of credit, moreover, though it always becomes acute toward the end of a speculative boom, is hardly the controlling cause of the collapse. So long as great profits can be made through rising prices, credit can be obtained by diversion from other channels of trade. A complete inability to obtain credit on the part of those who are behind the boom will end speculation; but high interest rates alone are not a final, deterring factor to speculative buyers. Indeed, high interest rates are scarcely a vigorous deterrent so long as the course of prices remains upward. The three speculative booms of the last decade, for a considerable period of time, all successfully overcame the handicap of scarce and costly credit.

The controlling factor which ends a speculative boom, rather, is the third phase — the phase of a forced and rapid multiplication of the units of speculation. In a commodity boom, the high prices prevailing — as was

true in 1920 — cause heightened productivity and induce a wild onrush of foreign products. No matter how definitely statistics may prove an apparent world shortage, — for example, during the sugar scarcity in 1919, — sufficiently high prices somehow always result in an unexpected outpouring of commodities at the point of scarcity. In the case of land speculation, like that of Florida, there is a furious opening of new subdivisions pouring an almost unlimited number of lots and plots of acreage upon the market. Stupendous enterprises are undertaken which fire the buyer's imagination; but such enterprises in essence are but a multiplication of the units of speculation.

During a stock-market boom almost all financing, of course, is done in the form of common-stock issues. The so-called Coolidge bull market resisted a vast and constantly increasing stream of new stock issues, split-ups, and stock rights, but it was finally brought to an end by a great flood of investment-trust, bank-stock, and miscellaneous unseasoned cat-and-dog issues which form a vivid illustration of the extremes to which this tendency to multiply the units of speculation can go. The pouring forth of this great torrent of new units of speculation results in the inevitable consequences dictated by the law of supply and demand. Eager buyers are literally submerged into quiescence by the deluge. So, just as the beginning of every speculative boom involves a fancied scarcity of the units of speculation and an excess of buyers over sellers, with a consequent uprush of prices, so every boom ends with a mad multiplication of the units of speculation, and a consequent collapse due to the excess of sellers over buyers. This overbalancing of buying power is made more marked, of course, by credit difficulties; but the controlling factor is the oversupply of units of

speculation rather than the difficulties of obtaining credit.

It is at this point, during this final phase of the wild and furious multiplication of these units of value, that speculation reaches its most dangerous aspects. Sales propaganda, particularly in the form of boosting speculative prices to induce buying through pool manipulation, becomes fast and furious and reckless beyond belief. And the outpouring of these vastly increased units prolongs and intensifies the subsequent panic and depression. For the larger and wilder the outpouring of new units of speculation, the more acute and distressing is the consequent panic. And, what is most significant, it is precisely as to this wild tendency to multiply the units of speculation that responsibility can be fixed.

The recovery from a panic passes through somewhat similar phases — each phase, however, representing a reverse process. The decline of earnings and the collapse of prices convince everyone that a new economic phase of disaster has come into existence. Where, as happened in 1928 and 1929, the consumer buys luxuries on credit and spends furiously, in reliance upon the paper profits made from speculation, the economic disturbance becomes more labored. The capacity to consume is submerged for a time beneath the dark waters of debt. And during the time consumed in paying off debts and accumulating funds the facts of falling prices and of declining earnings are again more potent than logic, in the same manner as during the beginning of a boom the facts of rising prices and increasing earnings overwhelm logic. Again, just as there arises in the second stage of a boom a conviction that there is an urgent scarcity of units of speculation, there comes in the second phase of recovery from a panic a conviction of an apparently permanent oversupply

of units of speculation — commodities or lands or securities. And just as the controlling feature of a boom is the multiplication of the units of speculation, so the controlling factor in the recovery from a depression is the absorption of these excess units of speculation.

Usually in land speculation, as was true in the case of Florida, the oversupply of lots is so great that absorption into useful occupancy is impossible. So land booms do not tend to recover; there is, instead, an abandonment of the units of speculation and a *finis* of complete disaster. Unless the inflow of population is steady and persistent, a start, if ever made, must be made from the very beginning. In the case of commodities, of course, low prices encourage increased consumption as well as the wasteful use of existing supplies; but, what is more important, low prices decrease production, and an equilibrium, once production is checked, is quickly reached.

In the case of securities, we are reminded once more of the familiar and apt phrase of the older Morgan — ‘undigested securities.’ The pains of digestion involved, of course, are many and severe. In order for this digestive process to be effective, time must elapse for investors to pay off debts, accumulate earnings, and regain courage. Prices, moreover, must fall low enough to attract the larger and more conservative financial interests to the extent where they are willing to utilize their resources both in capital and in borrowing power to acquire such securities. And finally, the recovery from speculative excesses in securities, in its last phase, is usually retarded by a despair that comes because of the very delay in recovery. The final segment of the oversupply of units of security speculation is the most difficult to absorb. The delayed recovery convinces many

that a disastrous phase of the economic moon shines down upon man and his world. Just as the duration of a boom convinces everyone that logic is wrong and that the boom will never end, so the protracted duration of a panic convinces everyone that logic is wrong and that the panic will never work itself out.

III

The significance of this central fact, that booms are brought to an end by the unrestrained multiplication of units of speculation, lies not merely in the warning flag which such a multiplication constitutes. Though a danger signal that all may read is hoisted, danger signals are difficult to believe until after the danger is no longer escapable. The length of time before the final collapse depends largely upon the rapidity and extent of this multiplication of the units of speculation, calculated in the light of the eagerness to buy created by high-pressure sales propaganda. And thus it is difficult for the outsider to determine the time factor as to when the collapse will come; and many a speculator is confident that he can linger and yet escape in time.

The significance of this multiplication of the units of speculation, rather, lies in the truth that the sins committed are basically the sins of the most powerful and influential segment of our business leaders. They sponsor and sell and advertise these vastly increased units of speculation. Their motives in so doing are not evil or dishonest; they themselves usually suffer greatly in the following collapse. Their crime, unfortunately, is the most reprehensible of all crimes — a blunder. If there be an inherent weakness in the human mind or in the human heart involved in speculation, this weakness primarily is not mob greed and mob stupidity, but rather it is the failure of our business

leaders — primarily our investment bankers — to refrain from making dazzling, though largely fugitive, paper profits by exploiting unto the edge of disaster the possibilities of a mad market. For the outstanding characteristic of a lamb is his willingness to be led.

Real-estate booms probably will constantly recur, because the real-estate men involved — drifters from other industries — naturally will cooperate with local interests to sell through high-pressure sales methods as many lots as the public can possibly be induced to buy. The only hope here is increased caution, born of experience, on the part of the public, and the influence of the established and more experienced local real-estate firms in checking boom tendencies. So far as commodity booms are concerned, we have reason to hope that our industrial leaders are sufficiently devoted to the principle of balancing production and consumption to refrain from further excesses. The oil industry, for example, is slowly, though painfully, enforcing at least an approach to a state of equilibrium. Even during the wild days of 1929, inventories of most commodities were held in line. At least we can console ourselves with the hope that our industrial leaders have acquired sufficient experience and resolute foresight to fight shy of the dangers of encouraging the multiplication of the units of commodity speculation.

But the rulers of our country to-day — if any one class can be said to rule America — are our larger investment bankers. Wall Street's investment bankers steadily are advancing toward the domination of our larger New York commercial banks. The controlling shares in these genuinely gigantic organizations (which in turn pretty well control the call-money market and the financial pace of America) are held neither by the officers of these banks

nor by the depositors, but rather by investment trusts, integrated family fortunes, or investment-banking affiliates, for all of whom investment bankers are becoming more and more the spokesmen. So, too, in the case of our larger industrial corporations: the investment banker, in his own right, or as agent of the public to whom he has sold part of the stock, is the master. A compact minority of the stock of any bank or industrial corporation, of course, usually is sufficient to control. The officers of our larger corporations and of our banks are selected and advanced by investment bankers; with one or two notable exceptions, their future depends upon the approbation of investment-banking masters. For the controlling and supreme aspect of our capitalistic industrial society is the investment of earnings in industry by the public, and, since our investment bankers control this process, they are our supreme financial masters.

The business of investment bankers is primarily that of underwriting and then selling common stocks and bonds to the public at a profit. Investment bankers usually insist that, like that of the wise merchant, their duty is to sell the public what it wants, not what they think the public should want. Unquestionably our investment bankers often are controlled by the public's momentary desires in the type of security sold. But a successful merchant must select and endorse the goods he sells, and an investment banker, if he desires to continue selling, cannot forget his securities as soon as he gets them out of the door. Not only must the investment banker be eager to sell securities in such a manner that they will 'stay sold' and not 'come back on him,' but he must also be concerned with, even though he will not support, the market price of the securities he sells.

Because of the innumerable dangers and pitfalls involved in the marketing of securities, and consequently the high degree of sound judgment required, the business of investment banking is probably the most difficult as well as the most important aspect of our industrial life. And the profits involved are as great as the difficulties. The future of American industry, and of American prosperity, therefore, depends partly upon the sound judgment, the courage, and the capacity for organized group restraint, as well as farseeing action, displayed by our investment bankers. The rise of England to dominating prosperity during the nineteenth century as the world's banker, and as the world's great investor and creditor, was largely the achievement of her international investment-banking class. England's great asset to-day is the established tradition of judgment, courage, and foresight on the part of her international bankers. And the critical question for us to-day is the breadth of capacity for action and for restraint possessed by our Wall Street investment-banking personalities.

For unquestionably in the last few years our ruling oligarchy of investment bankers, to whom every investor in America yesterday was eager to pledge loyalty and obedience, have blundered grievously and publicly. They have openly sinned in the market place. They madly multiplied and sold endless units of speculation when prudence and foresight required them firmly to impose restraint. They showed as little foresight and as little restraint as did the wild real-estate promoters of Florida. Since Wall Street insists, and perhaps wisely, on the government's staying out of business, Wall Street has no right to expect restraint or guidance from Washington or from the Federal Reserve Board.

The prevalent excuse offered — that vast, excessive quantities of unseasoned stocks were sold to the public solely because the public was possessed of an insatiable, fool's appetite — ignores the basic truths. The appetite of the public was stimulated, if not created, by the most subtle and most powerful form of advertising and high-pressure sales skill — the constant and stupendous increase in the price of stocks on various exchanges under the deft touch of pool manipulation. Manipulation of stocks by hidden pools probably is an essential part of the marketing of stocks on a wide scale or through marketing operations on an exchange. To abolish pool operations is neither advisable nor possible. But pool manipulation is a most potent poison, and responsible investment bankers cannot evade the responsibility for the abuse of their most potent drug. Where independent, reckless pools are steadily allowed ample credit and full freedom to excite the public by constantly running up the price of stocks, someone must assume the responsibility. Those who hold the sceptre must rule.

The greater part of this recent wild multiplication and sale of excessive units of speculation, to the fanfares of fantastic economic theories and frenzied pool manipulation, was the work of the lunatic fringe of Wall Street, to be sure. That this lunatic fringe was stupid and ill advised, rather than dishonest, is shown by the far-reaching manner in which these firms themselves have been punished by the following collapse. With one or two notable exceptions, our more powerful investment-banking firms stepped aside during the final wild episode of 1929. Yet their sins in the early stages of the boom were many; and they must bear the responsibility of not having put forth their hand and of not having stopped

the excessive multiplication of units of speculation. Perhaps they could not have publicly used their influence to check the orgy of stock issues. Speeches and public counsel alone would have been jeered at as the bearish wailing of sold-out bulls. But our powerful inner group on Wall Street could have effectively put an end to undue pool manipulation and the undue issuance of new securities through their control of our larger commercial banks and of the New York Stock Exchange. Private warnings, which would have been heeded in many quarters, followed up by a steady, carefully planned enforcement of credit restriction over a period of many months as to new stock underwritings, backed by a sharp discouragement of pool manipulation and by the writing down of offending pool stocks to absurdly low figures for loaning purposes, all to the accompaniment of a few exemplary blows, would have effectively quieted down even a run-away bull market.

All this could have been done only if the leading investment bankers had themselves set the example by refraining from new stock offerings, by refusing to allow the prices of those stocks in which they were interested to be run up, and by having the Stock Exchange officials discourage the bidding up of stocks by bull pools. If bear raiders can be restrained, so too can wild, reckless bull pools. Restraint of this kind would have called for much fortitude and a noteworthy willingness to forgo illusory profits of great size; but such a courageous stand would have allowed the investment market to absorb and digest the securities already issued in an orderly manner. Thus, the inevitable business recession would have been but a severe recession, and not converted into the worst panic we have known in over half a century. Such restraint, perhaps, would have

called for so high a degree of leadership and foresight as to seem fanciful; but by leadership a great nation falls or endures, and those who hold great power and great wealth cannot expect merely to enjoy the sweets of mastery.

What is perhaps more to the point, our investment bankers have repeatedly criticized the leaders in various industries for the failure of the more powerful elements to organize and control the lunatic fringe of such industries, so that sound business practices and restrictions in production could be carried out. They have even urged the more powerful elements in such industries to act by vigorous, strong-arm means. In the oil industry, for example, the rebellious, independent producers have been partially brought within the plans for prorating oil production as proposed by the larger units. So, too, in the motion-picture and the public-utility industries. A similar restraint could probably have been imposed upon the lunatic fringe in investment banking. Considerable difficulty would have been encountered, unquestionably, in organizing a group solidarity on Wall Street to carry out this end; but if Wall Street desires to rule American industry, free of blundering political control, it must organize its own vast house.

Our commercial bankers, moreover, followed the leadership or misunderstood the silence of the more powerful investment bankers. During the first two or three years of the Coolidge bull market, our commercial bankers undertook an amazing enlargement of their field of activity. Well over a decade ago our larger New York commercial banks undertook the sale of investment bonds through subsidiaries. The control and ownership of these investment banking affiliates, by a neat legal device, were inextricably tied up with the ownership of the stock of the parent bank. And the

reputation of the great parent commercial banks for prudent, cautious, and almost superhuman financial judgment lent these new selling organizations great prestige.

So long as these subsidiaries sold only conservative bonds, no great harm arose. But with the temporary drying up of the public demand for bonds these banking subsidiaries, in order to find grist for their mills, suddenly invaded the remaining and more precarious segment of the investment-banking field. They began underwriting and distributing common stocks. Smaller commercial banks throughout America followed their example pell-mell. Instead of trying to restrain the tendency to multiply and sell units of speculation, our commercial banks, unable to resist the glittering, though illusive, profits involved, set out to gather their share of the gold. They stepped beyond the established, cautious confines of commercial banking wherein they solicited deposits and made loans and wherein they had gained the public's confidence as cautious guardians of the public's funds and as conservative financial counselors; they also became, almost overnight, investment bankers. They accepted the common-stock theory completely. And even good American common stocks, ridden without stint and caution, can become jaded nags.

Under the eagerness of our commercial bankers, bank stocks were wildly exploited and sold. Vice presidents of large banks became ill-advised, 'ballyhoo' agents for various pools, and blindly, though conscientiously, aided in the hasty and ill-advised distribution of new units of speculation. The public expects and needs leadership and guidance in investment matters — even in a new economic era. It was as though our doctors, as a class, had suddenly abandoned the principles of

science based on cautious experience and had preached a new medical era of escape from disease through auto-suggestion. The public had learned to distrust the optimism of brokers, but the public succumbed to the optimistic encouragement of commercial bankers. The six and a half billions of still unliquidated loans on securities held by commercial banks is a suggestion of the extent of the incautious counsel of our commercial bankers. For a sizable part of that stock was bought because commercial bankers so advised or sanctioned. And surely bankers cannot fairly blame our debacle upon the public madness when all the public sought was guidance from those who held themselves out as financial and investment experts.

To escape succeeding decades of similar distress we must look, in a democratic state, to the greater wisdom and more foreseeing courage of our financial leaders. Little help will come from expecting aid from governmental agencies, or from hoping for a miraculous forbearance on the part of the public in the face of exploitation. For it is scarcely a display of hard-headed common sense to expect a sudden acquisition by the public of wisdom greater than that possessed by their financial masters. Our financial miracle men, of whose wisdom and foresight we were so proud and trustful yesterday, must prove themselves in the future more than incautious, wordy medicine men. And unless our investment and commercial banking leaders prudently and courageously maintain our investment-banking machinery in balance as it distributes new securities, and unless they restrain it at critical times from ungoverned frenzies of self-destroying speed, our newly won world economic and banking mastery will bring neither America nor the world happiness or profit.

THE UNINTELLECTUAL BOY

BY FREDERICK WINSOR

I

THERE are signs that the colleges of the United States are beginning to insist on their right, as educational institutions, to demand intellectual activity from their students, a demand which certainly does not seem illogical or unreasonable. Colleges exist for the purpose of promoting intellectual training and for the advancement of knowledge. The millions of dollars that have been showered upon the colleges of this country by endowment or legislative appropriation have without question been entrusted to them in the belief that the acquirement of further intellectual training will benefit young people after their high school or secondary school training is over, and the obligation rests on the colleges to use those millions for that purpose. The colleges are waking up to the realization of that obligation. The change is coming; it is taking place under our very eyes; and, whether the alumni like it or not, it will soon be an accomplished fact. I desire to discuss here certain probable effects of the change, first on the American faith in the efficacy of a college course for everyone, and then on the secondary schools of the country, especially considering those which have been known as 'college preparatory schools.'

It is worth while to point out that the belief in a college education is something of very recent growth. Fifty years ago there was in America a very decided prejudice against the college

man. He was variously accused of being ladylike, visionary, snobbish, and unpractical. Business houses and banks, as well as farmers and factory superintendents, looked askance at the applicant for work who carried in his hand a college diploma. To-day they all welcome him. What has happened since 1880 to cause this nation completely to change its estimate of the value of a college education? The answer is simple. America has observed the behavior and accomplishments of its college graduates, and approved what it has seen. Before 1915 this change in appraisal was coming fast, and the experience of the war settled the matter. The myth that college training was only a veneer, and that college men were effeminate snobs, exploded with finality when it was discovered that in the army, where every adventitious advantage is stripped from a man with his civilian clothes and all are started at scratch in an even competition, the college-bred men left their competitors far behind. There was no getting away from that evidence; it compelled a verdict in favor of the college man.

The new faith, however, is just as unreasoning as the old prejudice, and therefore just as blind. To people in general, what is an advantage to one man must be an advantage to every man, and so, to-day, it is almost an article of educational faith to say that every man should go to college, and therefore that the colleges should provide types of education suited to

every man. So positive is this faith that it has brought an irresistible pressure on the great universities, which have been forced by it, first, to accept human material utterly unfitted to be intellectually trained, and then to provide training for this material such as it could accept.

In his recent 'provocative'¹ book on the universities, Abraham Flexner has described in detail the situation resulting from this pressure, in respect both to pre-college training and to college undergraduate instruction. He points out that applicants for admission may offer as satisfactory evidence of fitness to do college work the fact of completion in high school of 'courses' in type-writing, bookkeeping, cooking, mechanical drawing, blacksmithing, and kindred subjects, — courses which cannot fairly be called studies at all, but are at best merely opportunities to acquire skill, — and that these will be accepted by all but a handful of American colleges on an equal basis with courses in science, mathematics, and languages, which require the use of the mind to master them. He points out, too, that the colleges which have admitted students so trained, finding it impossible for them to do intellectual college work, have been forced to provide for them college courses similar to these non-intellectual subjects of school 'study.' The list of such courses reads like the advertisement of a correspondence school: 'the writing of advertising copy,' 'elementary stenography,' 'newspaper practice,' 'principles of home laundry,' 'food etiquette and hospitality,' 'gymnastics and dancing for men, including practice in clog dancing.'

It is true that in the case of state universities the argument can be maintained that, since these institutions are

supported by the taxpayers, they should provide such education as can be assimilated by all who desire to continue to go to school after having finished a high school course. None should be excluded who are willing to work, whether or not they are in the slightest degree intellectual. It is not an institution exclusively for the brainy which the taxpayers desire to establish, but a safe, pleasant, companionable resort for young men and women who do not have to go to work at the age of seventeen or eighteen and wish to postpone that disagreeable necessity for four years. The fact that this argument is seldom brought forward in so bald a form does not make it less true that it is the only possible reason why these universities fritter away the time of instructors and students on such nonsense as 'drug store practice' and 'elementary costume design.'

One might suppose that, while the individuals who spend their college years on such trivialities are getting nothing of educational value, their presence would nevertheless do no great harm to serious-minded seekers after learning who compose the rest of the college, but it must be remembered that the college is a community, a more or less compact social body, and that the presence of any considerable number of idlers, dullards, and butterflies makes it impossible to establish the undercurrent of intellectual enthusiasm which ought to be present in any community devoted to learning. If a college is to do its intellectual task well, it cannot tolerate the presence of those who interfere with it. Already, as was stated at the beginning of this paper, the signs of revolt are clear. Sooner or later the colleges are going to insist on their right to be truly temples of learning, and they will eject the money changers. They have already

¹ This adjective is not mine; I borrow it from the jacket of the book, *Universities, American, English, German*. — AUTHOR

begun the process by scrutinizing more closely the fitness of their candidates for admission. The time has passed when Harvard would give credit, for admission to its Scientific School, for courses in 'blacksmithing' and 'chipping and filing,' and even the state universities of the West and South will sooner or later perceive that no acquirement of any skill should be accepted as proof that an applicant can think. Just as soon as the colleges have excluded the mentally unfit, they will abandon courses that belong only in trade schools. They give them now merely because they think they must.

When this change has come over the colleges, — and it has already been accomplished or is in process at a good many of them, — the attitude of the public toward a college education is going to be quite different from what it is to-day, and decidedly more intelligent. Blind faith will be replaced by a reasoned appraisal. People are going to perceive that only those young men who are fitted intellectually for serious thinking can really benefit from four years of college, and that it is a waste of time for the dull, the slow, and the unintellectual to go to college at all.

II

I have discussed my subject so far only from the point of view of the college, but my real interest is secondary education. Not only is that the field in which my own experience lies, but from the point of view of numbers it is vastly more important than is university education. It is also more immediately important than university education, because it has a more direct effect on the life and civilization of the country. If our secondary schools could be brought to anything like a satisfactory standard of aim and achievement, an immediate

improvement of the whole national life, social, political, economic, and æsthetic, would result. My contention is that the new attitude on the part of the public toward college education, and the abandonment of the idea that preparation for college should be the educational end and aim of all secondary school training, will free the schools from the most serious handicap from which they have suffered, and will increase enormously their chances of performing their real function of education. Up to the present moment every secondary school has been the slave of college entrance requirements. Its first and necessary business is to see to it that the school course of each boy meets the specific requirements for admission to the college of his choice, and any consideration of real educational values can have no weight whatever as against that necessity. The school which should to-day try to declare its own independence, and adopt the curriculum best designed in its opinion to fit its students both for life and for further study, would find that at graduation its students would be barred by this or that technicality from almost every worth-while college. If it tried, during even the single final year of its course, to provide the necessary options to meet these technicalities, it would find its ideal course gradually disintegrating under its very eyes.

Even when the public has become convinced that its dull, or slow, or unintellectual sons had better not waste their time by going to college, the situation will not have been greatly improved, for it will still seem a kind of disgrace to the boy to have to give up the idea of college, and every effort will continue to be made to avoid that disgrace. It is due to that ridiculous misconception that tutoring and cramming schools exist, and that every secondary school is hampered by the

necessity of abandoning sound education in favor of 'preparing for examinations.' The first step toward improving our secondary educational system is therefore clear: the public must be made to understand that individuals differ as widely in their educational needs as they do in physical appearance, and that there is no more disgrace involved in these differences than there is in differences of stature or coloring. Parents are incredibly childish and incredibly sheeplike. Just as a child is mortified beyond words if he is 'different,' even merely to the extent of being red-headed, and just as each sheep must go by the exact route taken by the sheep in front, so parents are mortified if their sons have not the exact talents of their neighbors' sons and cannot travel exactly the same road.

This habit of blind conformity has effects sufficiently disastrous in the ordinary affairs of life, especially in the choosing of a vocation, but in education, except for those who are so exactly the average size mentally that they are fitted perfectly by the stock on the educational shelves, it is fatal. The fact that our secondary schools are so universally called throughout the country 'prep' schools sufficiently indicates our attitude toward them. Instead of insisting that boys of from fourteen to eighteen be mentally developed by the schools in such a way as to encourage their talents and quicken their interests as each may require, the American public insists that they be clothed, each one of them, in the same mental garment. Actually, a boy's secondary education should be the very opposite of what we demand. It should be specially designed to fit his individual needs and his individual talents. It should not be a ready-to-wear garment, but should be carefully tailored, and the boy himself should take an active part in the fittings.

Let us consider, for a moment, the purpose of secondary education. First of all, as its name implies, it is a preparation for higher education. Now higher education demands of its votaries independent initiative, insatiable curiosity, a passion for truth reënforced by the straight thinking required to recognize truth, and sound methods and habits of work. Curiously enough, it does not require any very large stock of information as a foundation, but it does require a liberal point of view, a broad outlook, and a real love of the use of the intellect. The best college entrance test which I can think of would be an honest answer to a single question: Do you enjoy using your mind? So far, then, as secondary education is for the purpose of preparation for college work, its aim should be not so much the imparting of any particular set of facts as a training in methods, the establishment of a point of view, and constant, insistent, exacting practice in straight thinking.

But secondary education is not merely or chiefly preparation for college work; its most important function is training for life and living. Now the activities of a man's life, for which a school should prepare him, fall into four main classifications: his vocation, his civic relations, his family responsibilities, and the recreative occupations of his free time. If the secondary school course were planned solely with a view to preparing boys for these various classes of activities, and if its methods were such as to secure the constant practice in straight thinking which I have pointed out to be the vital requirement for college preparation, then its pupils should and would be fitted at the end of their course to go on to college, if they happened to have the kind of intellect which would benefit by college training, or to take up straightway the business of living, or to spend a few

years of special work in some one of the many fields which, as I shall suggest later, might well be substituted for a college course for boys who are not book-minded but are possessed of talents or interests worth cultivating.

III

If we examine the probable curriculum which would result, we shall find that in suggesting the possibility of organizing the secondary school course on such a basis I am not asking for any violent upheaval. I said that the school work should specifically prepare a boy for the four main kinds of activities which will fill his life, but the very first kind, his vocational work, can best be prepared for in school by the same sort of general training of the mind already suggested as being the vital need for college preparation. The boy wants a thorough understanding of mathematical relations, and a habit of accuracy in mathematical manipulations, not a training in business arithmetic or book-keeping. In other words, vocational training has absolutely no place in the secondary school, and should be rigorously excluded from it. For every conceivable occupation in life there are already existing agencies for special training at which a boy can take, after he leaves school, courses which provide a far better preparation for the vocation of his choice than the schools can give. The secondary school needs every moment it can find for its own legitimate fields of instruction, and each vocational course thrust into its curriculum robs its students of some valuable part of its training and gives them in return something of no real value.

In revising the curriculum for our ideal secondary school, therefore, we must consider not four but three fields of activity for which the pupils need preparation, — their civic relations,

their family responsibilities, and the use of their free time, — not forgetting that the consideration underlying all is that the pupils must be mentally well trained. The vehicle for this mental training lies convenient to our hand. The old established subjects of study will do the trick. Language, science, mathematics, and history have stood the test, and must always be the backbone of the curriculum. They provide training in the various kinds of thinking that men are called on to do, and if the instruction is aimed not to prepare for examinations but to promote thinking, if the underlying philosophy of each subject is more and more stressed as the pupils become more and more able to grasp it, they will provide a liberal foundation of intellectual experience which will prepare pupils to meet emergencies, to solve problems, and, later, to acquire further knowledge for themselves to meet all the ordinary needs of life.

For the mental training of the pupils, therefore, we can depend on the accepted subjects of study, but what of this specific training for civic relations and family responsibilities, and what about the development of resources for leisure moments? It is in these respects that the secondary schools of to-day are scandalously deficient, and it is just to correct these deficiencies that I offer certain suggestions.

It ought to be possible to prepare our future citizens to discharge their civic duties far better than we prepare them to-day. We give, to be sure, certain barren courses in 'civics,' of which the textbooks are not much more than catalogues of officialdom, containing explanations of just how officials are selected, just how laws are passed, and just what are the various branches of national, state, and local government, with clear statements about the distinction between the executive, legisla-

tive, and judicial branches of government, and brief explanations of methods of taxation and the enforcement of the laws. In a good many schools student self-government is said to exist, usually modeled on the government of an American city, and often, unfortunately, functioning at about the same level of inefficiency. From all this the pupils obtain a certain familiarity with the nomenclature and procedure of politics, but about the history of experiments in government as they have been tried down the centuries, about the philosophy of government, about established principles of liberty, or about the age-long conflict between the interests of society and the interests of the individual, they learn nothing, partly because these are inherently controversial subjects and so are avoided by the writers of textbooks who desire to offend no one lest the sale of their books be affected, and partly because few teachers are competent to teach such subjects. Nevertheless, without some knowledge of these principles no one can intelligently discharge his duties as a citizen or criticize the conduct of the government under which he lives. We cannot expect in the future to avoid the disastrous mistakes in legislation and organization which have littered the story of our nation's politics down to the present day unless we educate future generations in the principles of government. Our ideal secondary school, then, will find time somewhere for at least one course designed properly to prepare boys for their activities as citizens.

I approach the subject of the preparation of boys for family obligations with some misgivings, because such preparation calls for education in morals, a difficult and dangerous field. It is hideous to think of the horrors that would be perpetrated by the unfit teacher in such a subject, and of the

banalities of the typical textbook which the typical school board would put into the hands of the pupil. Fortunately, however, our ideal school will be staffed by teachers of tact and taste and understanding, who can talk about sacred subjects, such as love and service and altruism, without making them common or ridiculous. In the coming secondary school curriculum, therefore, a place will be found for a course in ethics.

I have reserved till the last the question of how to prepare boys for the use of their future leisure, both because the suggestion is novel and because it is one of the most important functions of secondary education, rating second only to training in sound, straight thinking. The old labor-union slogan of eight hours for work, eight hours for sleep, and eight hours for play comes not far from summing up the day's apportionment for grown men. The secondary schools of to-day pay practically no attention to preparation for any kind of recreation except athletic sports. The instruction given in the arts, in music, and in literature is all aimed at fitting the pupils to pass examinations, not at providing them with a life interest. Indeed, of these three great fields of human interest, the first two rarely find a place at all in a secondary school curriculum. As a result the vast majority of American business men know of only two possible ways in which to use their spare time: either to be amused by someone else, at the theatre or over the air, or to 'play games.' Within themselves they have no resources. If, for one reason or another, their spare time is suddenly increased, they are nearly always bored to death, and from day to day they are hard put to it to use the leisure which is part of the daily régime with anything like real enjoyment. If they had had the opportunity as boys to experi-

ment with their own talents, most of them would have discovered that they had some gift worth cultivating.

My contention is that every secondary school, therefore, should have its music rooms, its studios, its workshops, and its reading rooms, and that its instruction in literature should have the definite purpose, in the earlier years, not of instruction in the facts of literary history, but of arousing any dormant interest in reading and in writing of which any pupil may be possessed. The use of all these facilities should not be for the main purpose of acquiring skill, though there would have to be some instruction in technique, since there can be no good teaching of adolescents without a chance for putting theory into practice or for some other form of self-expression. Every boy should make the acquaintance of a wide variety of forms of artistic expression, and should have a chance himself to experiment with some of them, and during the last years of his course he should be encouraged to carry on in a chosen field. From such a training the boy ought to be able to discover some real, abiding interest which would serve him as a delightful resource throughout his life, and would make him independent of outside assistance in the use of his leisure. Moreover, the development of his taste in art, which would be the certain result of such a training, would make it possible for him to hold in some kind of check the architects, interior decorators, and other specialists who, later in his life, may otherwise fatten on his ignorance. If such training could become universal, the artistic crudities of American civilization would very quickly disappear.

IV

If it should be contended that there is no room in the curriculum of the

secondary school for the addition of such instruction as I am advocating, my answer is, first, that these subjects are of supreme importance, and room can therefore be made for them by displacing less important subjects. The course in the history of government could and should take the place of the present almost universal course in civics, without the sacrifice of any time at all. The course in ethics need not occupy more than two periods a week, but to my mind it could be made the most vitally important subject in the whole curriculum. Everyone knows how extensively the old sanctions have been weakened and the old validities are being questioned by the young people of this generation. They do not accept any 'ought,' whether it has behind it the authority of church, state, school, or family, without doubt and questioning. Among themselves they discuss all sorts of moral questions, and more often than not their inexperience and narrow vision lead them to mistaken conclusions. They need the guidance of sympathetic wisdom, and in such matters they have more confidence in the disinterested opinion of their teachers than in the insistence of their parents or in the teaching of their church. Our civilization depends for its successful continuance on the altruism of the men and women who compose it, and the continuance of a dominant altruistic morality should not be left to chance. Its cultivation belongs in the secondary school.

Whether or not boys preparing for college can find the time for the discovery and training of special talents I am not at all sure, but it may be observed that these boys have already discovered the possession of one special talent, the talent for learning, without which they ought not to be intending to go to college at all. Moreover, their college training should provide them

with all the resources needed for their future leisure. It is for the boys not going to the universities that such opportunities are needed, and as a practical school executive I maintain that time can easily be found for them.

I should like to point out here that out of such changes in the course of study as I have been advocating there develops naturally a new and happy alternative to 'going to college.' If a boy has, at school, discovered that he possesses talents or interest in some special branch of the fine arts, what could be more natural for him, instead of going to a school of advanced academic learning, than to pursue for one, two, or three years the study of that special branch, and what could be of more lasting benefit? He would pursue it with the intention, not of making it a profession, but of making himself proficient in it; his point of view would not be that of the professional, but that of the amateur. If the fear arises that he will become neither professional nor amateur, but dilettante, I should reply that that would depend almost entirely on the training that he had received at school. We cannot disregard entirely the boy's own character, but in the main his attitude toward such further studies will depend on the atmosphere of study as it existed in his school, and as he breathed it daily during his training there.

This brings me to my final word about our ideal secondary school, a brief discussion of the atmosphere which should prevail there. I have suggested that the non-academic-minded boy should not prepare for college, but for life, and inferentially that he should therefore not study all the 'college preparatory' subjects. Although his mental training should be derived from much the same subjects of study, they should be attacked by him from a different point of view, and

with a slightly different purpose. I advocate the introduction, for him, of courses in the fine arts. But I want to emphasize the fact that I should insist, for him, on standards of work and achievement not less rigorous than those we set for his academic-minded brother. Education is a hard task-master, and grants its best rewards only to those who earn them by the sweat of their brow. I believe in discipline. Without discipline education becomes a flabby, effeminate, anæmic caricature of itself. The notion that boys of secondary school age should be allowed to decide for themselves what they should study, or what should constitute a day's work for them, sickens me. They are without wisdom, and without experience, and they need not only guidance but driving. Like a recruit for the army, the first thing that a new boy entering a secondary school needs is discipline. It should be friendly and sympathetic, of course, but it should be firm. For the first few years it must be imposed from without, but gradually the source of discipline should change, until finally, in the last year of school, it is imposed from within, and becomes self-discipline. If such an atmosphere of discipline can be created and maintained in a school, there is little danger of dilettantes appearing among its graduates.

V

My desire to provide in the secondary schools a sound training for the boy who has no special intellectual talent does not arise solely out of sympathy with the boy's personal needs. The political, social, and business leaders of the next generation are rather more likely to be drawn from the class of men who are not academic-minded than from the class which has special talents for learning. Leadership

depends on traits of character, not on intellect. It arises from an inborn urge to lead, and it is successful in operation in proportion to the strength of purpose, the tact, the determination, and the will power of the individual. It has nothing whatever to do with scholastic aptitude. Indeed, the very traits on which successful leadership depends are promoted by the overcoming of obstacles, and the school experience of the less intellectual among the school population, the very struggles they have to make in their competition with their better-endowed schoolmates, is likely to result in the growth of the very qualities required for leadership.

It must not be assumed for a moment, moreover, that the non-intellectual boy is necessarily unintelligent. Far from it. He is merely a person whose intelligence runs along practical instead of theoretical lines. It is high time that this distinction was emphasized. Throughout America, to-day, the teaching profession is becoming more and more converted to the belief that 'intelligence tests' are tests of intelligence. I wish to point out that they are no such thing. They are pretty reliable tests of academic talent, but that is all. The result of their application to the pupils of private schools is to indicate fairly conclusively that about one third of the whole number are not good college material. Most of the best private secondary schools are avowedly college preparatory schools, and they do not want this unfit material cluttering up their classes and burdening their instructors. Naturally, therefore, they get rid of it. As a result, hundreds of such boys are dropped from these schools yearly, not because they are idle or vicious, but merely because their intelligence is not of the intellectual order. Many of them are bright, wide-awake human beings,

interested in life and in their fellow men. They would never succeed in learning, but they will succeed in life. Many of them will become leaders of men, and therefore it is of the utmost importance to the next generation that their training should be of the best. Yet what does secondary education provide to-day for these boys? Excellent training in athletics, but no training worth talking about for their minds. The public schools offer them futile courses in vocational training specially designed to obviate all necessity of thought. The best private schools drop them out or exclude them from the start. They drift, perforce, to cramming and tutoring schools, so that they may be shoehorned into college, and so avoid the disgrace which they and their parents believe attaches to failure to enter college. In college, the only possible way for them to survive is by continual tutoring, hiring other people to do for them the thinking that they themselves cannot do. If they receive the college degree they receive something to which they are really not entitled, and which they have not earned. Six years, if we include the last two years in school, have been spent on a kind of intellectual effort for which they are not fitted, and from which they gain practically nothing.

If these boys were subnormal, and not susceptible of any serious education, I should not consider them proper material for the secondary schools. Such is not the case. They are, I repeat, just as intelligent as their contemporaries, but intelligent along different lines. Along those lines they can be taught to think, to study, to investigate. They are capable, along those lines, of receiving the same sort of exacting, stimulating training which the best schools now give along academic lines. They need a preparation for life which is denied them to-day.

I have sketched the outlines of a secondary course of study which seems to me suited to the needs of such boys. The studios, the music rooms, the reading rooms, which would be needed would entail the expenditure of money, but in the public schools that money would be saved by scrapping the whole battery of laundry equipment, machine shop equipment, kitchen ranges, and what not that cost vastly more than the simple sort of apparatus I have in mind. To produce with one's hands has a certain truly educational value; to tend a machine is in itself mechanical, not educational. The private schools, however, if they are to do two tasks instead of one and educate simultaneously the intellectual-minded and the practical-minded boys, would have to provide both additional space and additional teaching staff. Nevertheless, when people come to realize that only by some such means can fair educational treatment be given a large proportion of the private school pupils, the necessary funds will surely be forthcoming.

A natural suggestion would be, not to incorporate in the existing college preparatory schools new courses and a new point of view which is sure to complicate their task, but to establish a totally new set of secondary schools designed especially for the education of boys not headed for the universities. That is the way the Germans have handled the problem, but I do not think it would be the best way for us. It presupposes the possibility of differentiating at twelve or fourteen years of age between the intellectually gifted and the practical-minded, and no such distinction is possible at that age. If such a division were made, it would mean the placing of a final label on the boys of each class, whereas experience shows that intellectual powers are not inborn, but may be developed or

inspired by contact or by training in individuals who appeared to be hopelessly unintellectual. Moreover, to segregate the two classes of boys would deprive them of the educational value of contact with each other, and would tend to make them narrow and intolerant. Especially in a boarding school is it true that both classes of minds have their contributions to make to the common life, just as they will have in the community life for which they are preparing, and, living together, each will learn to respect and value the other's abilities. If what we may call, for want of a better term, the practical course of study in such a school were to be carried on in any slack or easy-going fashion, then it would, of course, weaken the whole institution, but we contemplate no such state of things. My proposal is an institution where every boy has to put into his lessons all he has in him, but where no boy is asked to perform tasks for which nature never fitted him.

When we have secondary schools so organized, when we have come to realize that it is perfect nonsense to suppose that all boys² should go to college, and when we realize that there is no more disgrace necessarily involved in a boy's not going to college than in his not having blue eyes, we shall have made a great stride toward sanity in American secondary education. The colleges will profit by it, the schools will profit by it, and most of all the community will profit by it, because at last real education, real mental training, will be given not only to the learned, but to the practical men who do the work of the world.

² Throughout this paper I have spoken exclusively about the education of boys. With the education of girls I have had no experience, and about it I suspect that I know nothing. I am inclined to believe, however, that everything I have said about schools for boys would apply with equal force to schools for girls. — AUTHOR

DAWN

BY EDWARD C. L. HEMSTED

THE slow-wrought colors of autumn, which have in them all the keen hope of spring and the rich fulfillment of summer, and so much music at the close, blended easily into the warm blue-gray and then velvet black of the Southern Japanese evening.

The island of Tomoshima in the Inland Sea, itself enclosing yet another and more secret sea, — for it is shaped like a hollow heart, through whose aortic vein could just flow in a navy to be in hiding, — was as silent as any country in the East can ever be.

The clamor of the Shinto temple bell had ceased with the setting sun. Somewhere across the water of the inner bay, but still upon the island, a Buddhist temple's lovely gong was ringing at decreasing but still long intervals, and the last tired woman, heavy-breasted, had wound her way down from the *daikon* fields, where the precious turnips were now all unearthed and hung to dry upon long bamboo poles.

An unbroken ring of hills, which is the island, completely surrounds the bay, where nothing ever happens, unless an occasional crown prince visits the military academy on the island, with the pomp of an escort and in a battle cruiser; the bay, where nothing ever has happened of great historic moment, where, no doubt, little ever will happen, but where always there seems a menace, the portent of a nascent clash of arms, the warning of some imminent disaster — perhaps only an earthquake.

On the highest point of this ring of hills, upon the east side of the island, whence the great new naval harbor of Nagasaki is visible with its cranes outlined even at evening against the black pines on the hills of the mainland, stood a single Englishman.

He stood just within the darker shadows of the wood, which runs up upon the inside of the island at this point, but which ends suddenly upon the summit.

Below him upon the outside of the ring of the island, and in the direction in which he was facing, the land was entirely cleared of trees and dropped steeply to the sea, nearly a thousand feet below.

Despite the steepness of the slope, however, the immense industry of a nation of Shinto persuasion, with an ever-increasing birth rate and no great colonies, had terraced the whole side of the hill, where now paddy was grown in tiny fields to within a few feet of the top.

Charles Surtees was not in the least lonely in Tomoshima. He lived there because he was paid to do so. He taught army cadets all the mornings the elements of the great commercial language of the world, and in the afternoons, particularly in autumn, he walked over the hills with a dog, which he had rescued as a puppy from a slow death at no man's hand — such is Eastern murder.

Surtees, indeed, was essentially happy. The air was warm and calm, yet had the virtue of the salt, however

different from the wind along an English coast. His work was simple, tedious stuff, but his real work was learning — learning himself, learning the East, watching the colors in the most perfect climate in the world; and he dreamed a good deal, too — dreamed of writing, like Claude Farrère, perhaps, for he was a young man and younger than his years; dreamed of travel, of going on and on round this musical world, collecting the memories of the bells of all the temples of the Middle Kingdom and the chants of all the ports from Penang to Vladivostok.

Certainly he never dreamed of home; partly because he had none, partly, too, because he supposed that if he ever did have one it would be entirely respectable, perhaps in Middlesex — and one does not dream of Middlesex.

Sometimes he dreamed of Europe as a whole, of Western things, chiefly of Western hills: the Fletschhorn with its hollow cave of ice, which in his memory was always in the shade; the hills behind Rome as he had come down them before Easter years ago — but the Via Appia was dead, dead as its catacombs, and gnarled before it died.

There were the young hills, of course, the South downs, green and careless, but they had not the *sérieux* that quite claimed respect from him; better, he thought, the quite childish hills behind Cadenabbia, which were always laughing at the lake, and where you could not even write poetry because of the onus of their mirth.

He loved them, of course, these different hills of home, but he had seen others since. Penang Hill, where piracy is a story only a century old; the real hills behind Kowloon, where wisdom looks unmoved at Europe in Hongkong and, perhaps, counts. He could n't tell.

Anyway, he was, he knew, just now a professor of English, and when he

got some sort of leave he would go home across Siberia and buy furs at Chita and Korean lacquer on the way thither.

He thought neither of marriage nor of old age, and certainly he did not think of death — death, cold and useless, a dull beginning and a bitter end; death, the beginning of speculation for the living and the end of everything for the dead. Ugh!

Presently, as he stood, he started, as always, to count the seconds between the strokes on the distant gong. Nine seconds divided the first two strokes, then eight seconds and the third lovely note, then seven, then six. He stood getting his breath; then, as the intervals shortened, the swelling sound exasperated him and he stepped quickly out into the open, whistled to his dog, and turned along the ridge toward the military academy, kicking a loose stone irritably, then stumbling, catching at a dried twig and finding no hold, falling rather clumsily.

He lay where he had fallen and swore round, soft English oaths, and felt the pain in his ankle grow worse. Presently the dog came and licked his hand, and when he moved he knew that he had broken his ankle, and whistled again, an almost pleased, excited whistle. A night in the open — coldish toward dawn, perhaps, but rather fun. Bed for a week or so — his house in the compound was very comfortable. Then a holiday — he would go to Kiushiu.

If he lay quite still, his ankle did not hurt at all. He watched the lights come out in the harbor across the bay, where, anchored among her great sisters, Admiral Togo's flagship lay floating disarmed like a glorious memory on a dark mind.

She was to have been destroyed, he seemed to remember, after the Washington Conference, but in deference to public sentiment she floated still, but

unarmed and impotent, and, by day, like a toothless grandmother; but at night she looked fine enough.

Suddenly, below him, right below him on the island, where he knew no house was, a stealthy light flashed, and up the hillside in the now perfect quiet of the night the sharp clang of a challenge and an answer, then another light, then another, and then after a moment darkness again; and, when the eye became accustomed to it, a small boat rowing out to sea, back apparently to the harbor opposite, about six miles away.

Suddenly Surtees knew — quite certainly, though he could not tell how — that something was hidden there below him, something guarded in the night; something dark, like the warning which was everywhere about this vast arsenal of a bay. Something that he wanted to understand.

He moved, but his ankle hurt; then he waited for perhaps half an hour. In the dark the sense of foreboding was overwhelming, and the stir of some call. Nothing had moved below him; the little boat was long since lost to sight. His dog moved, anxious, uncomprehending.

Something went on working in Surtees's mind — it must have been for hours; presently it came to birth, and quite quietly, as if it were the most normal thing in the world, Surtees started down the long steep slope among the paddy fields. He went on hands and knees. He no more thought of physical pain than he thought of the Bernese Oberland at dawn. He went down because he had to, down into the Eastern night. He thought hard of adventure, something splendid in the abstract, and tried to believe that it was these thoughts which made his heart beat so fast — but he knew really.

He knew that there was no need to

think about anything in the abstract. Here was his adventure now. Then he pretended that he thought he was being melodramatic — all this crawling about at midnight on a peaceful Japanese island in the lovely Inland Sea. It was perfectly preposterous, even a little vulgar. But whatever he thought, or thought he thought, he never stopped climbing down, and suddenly a late moon came full up behind Nagasaki, and less than a hundred feet below him he saw the sea and a long low wall, and inside it, lying in a tidy row, about thirty long shapely gleaming things, whose ends reflected a warm light, but whose straight bodies gleamed like steel.

Suddenly his leg hurt horribly. He winced. 'God!' he said. 'Guns! Hidden guns. How hellish! Where am I? Oh, this is filthy! I shall never get back. Am I a spy? I must get back, or — or —' His dog barked violently, bristled, and drew back on its forelegs like a cat about to spring, and behind the wall below him, for the whole hill was terraced upon low walls, a small-headed Japanese — a petty officer, it seemed — rose and said only, 'Sodegozaimasu.'

Surtees did not answer. The Japanese swung him on to his back and carried him down. When he got to the sea wall he laid him face upward on the grass between the muzzles of the great guns pointing outward and their protecting wall.

Surtees noticed that the guns were covered at either end with red lead. He remembered that he had never before seen a great naval gun lying dismounted on the ground, and they seemed to him, now, strange and uncouth and disquieting; but he was nearer to the Japanese soul, then, than any Japanese ever knew, for something of the night had entered into him and he thought not at all of his own posi-

tion; and then, letting his head sink back, he saw the stars paling into a new dawn in the Land of the Rising Sun.

He could not tell whether seconds only or minutes passed. Presently three Japanese sailors were round him and he was being lowered headfirst into a sack. He felt a rope cut into his ankles and then, as his head bumped over the ground, he gave one cry of anguish, for he was a European, he was young, and life had been good.

When he was in the water he struggled, and finally he dreamed again. He dreamed so much, did Surtees.

He seemed to be gliding along under the sea at a great pace, smoothly, into a Western harbor . . . the shouts along the quay side . . . he could n't be sure — Naples perhaps. . . .

On the evening of the next day a gun was fired at sunset in honor of the late English professor, whose body, it was said, had been washed up just by the steps of the bathing place in the inner bay, where he must have bathed in the cool of the evening. The ankles had been chafed against the rocks, poor fellow. His body would be sent to Kobe for burial.

THE FAITH OF A COMMANDER

BY PAUL DONCOEUR

'My religious faith has formed a part of my character, and, in this way, of my career as a man and a soldier.' This unequivocal statement proves, were there need of it, that the work and nature, the methods and genius, of Marshal Foch can only be understood and expressed if the chronicler is familiar with the religious life and thought of the great soldier.

Yet it may seem an indelicacy and a breach of tact to make his faith an object of study and attention. Marshal Foch felt above all things a horror of display and of confidences. He never concealed his religion, but he never allowed it to receive an invidious publicity. I know, for I have been since childhood a friend of his family, how much he combined at once of pride and simplicity, candor and discretion. I do not wish in these pages to write anything intrusive; accordingly I shall

confine myself to his public expressions of his religion. The inner secret is not a subject for publicity. But this inner life was so powerful and so fully penetrated his outer life that no one could be deceived: the entire world has learned that the conqueror of the war was a Christian. 'He was,' as Mr. Baldwin said, 'a great soldier, a great Christian, and a great gentleman.' And, as he paid his respects to him for the last time, M. Poincaré could not contain his admiration for this man who, as he said, 'had the strength to consider himself helpless before the Eternal and the greatness to attribute to divine generosity the gifts that were thought to be his glory.' 'Happy are they that believe!' Foch had told his pupils at the École Militaire. He felt in advance to what extent his faith would sustain him in his work and in his task as leader.

When after the war he visited his old school, Saint-Clément de Metz, where in 1869 and 1871 he had prepared for his matriculation at the École Polytechnique, he said to the young students: 'It was here that I learned to work.' Then, pointing to the chapel, he added: 'And now, go look in your chapel for the Light without which work is nothing.' It can be truly said that this light of faith and of prayer was his guide through all his life.

Born of an old Catholic family of the Pyrenees, he was brought up in the faith and piety of his ancestral home. A pupil of the ecclesiastical seminary of Polignan, then of the Jesuit colleges of Saint-Étienne and of Metz, his Catholic faith received from his teachers a lovely quality of simplicity and strength.

His faith before all else was loyal. A little before his death it happened that certain partisans of the *Action Française* wanted to hold a discussion with him. He always answered them: 'The Pope has condemned your views. I have nothing to discuss. That is all.'

He showed the same simple pride during the régime that held sway in France about 1900, when Catholic officials were pursued by informers. He never concealed the fact that he had a Jesuit brother, and he never failed to follow the parish services as a simple believer. At Ploujean in Brittany to the time of his death he sang at Mass with the Breton peasants, received the sacrament, and followed the procession, a taper in his hand.

But these actions were animated by the loftiest personal feeling. He possessed above all other things an extraordinary mystical conviction of the sovereign authority of God.

On the seventeenth of November, 1919, at the end of a long conversation during which he outlined to me his strategical principles and his concep-

tion of a leader, just as he was about to leave I saw him coming brusquely toward me again. 'And then especially, Father,' he said, to me, pointing to the sky, 'there is God. *It is He who gives victory.*'

From this throughout his whole life, but especially during the war, came his inveterate habit of prayer. One evening, for example, he was surprised at prayer on the day before a great battle. 'I pray when it's cold,' he said with humor; 'all the more reason to pray when it's hot.' He meant when there is danger. When a friend congratulated him on having received the supreme command at Doullens, he answered: 'Don't congratulate me yet. I'm none the prouder for that. And pray God it may not be too late.'

His conviction was extraordinarily intense that God as a sovereign master controls the world's course. He expressed this conviction more than ten times in public, and incessantly in private conversation.

On the day of King Albert's triumphal reëntury into Brussels, Cardinal Mercier paid his respects to Foch's 'genius.' 'No, no,' protested Foch. 'Genius has nothing to do with it. I have thought, planned, reflected. But when everything had been considered, I have never seen the way to a solution. Finally, when the "yes" had to be given on which thousands of lives were going to depend, *I felt myself to be the blind instrument of Providence.*'

Speaking of the battle of the Marne in September 1914 and of the even more daring march to the sea in October 1914, he again said to Father de Grandmaison: 'How was I able to accomplish what I did? *Because God willed it so. I don't know how. We are the blind instruments of Providence.*'

And still another time, referring to the most critical situation which he had known: 'From what source did that

unconquerable strength come to me? . . . I do not know. An instinct. *We are the blind instruments of Providence. It is God who guides everything.*

But it would be wrong to think that this faith relieved him of the duty of action! It is well enough known with what intensity, prepared by fifty years of relentless work, he exerted his intelligence and energy to snatch victory from his foes. He has expressed his conviction on this point admirably: 'There is no need to confuse the miraculous with the providential. Strictly, it is not proper to speak of *the miracle of the Marne, or the miracle of the Yser . . . the miracle of Victory.* This would be to disparage the tremendous part played by our troops. As far as I am concerned, when at an historic moment a clear vision is given to a man and the event proves that this clear vision has determined movements of enormous consequence in an important war, I hold that this clear view (such as I think I had at the Marne, at the Yser, on the twenty-sixth of March) comes from a providential influence in the hands of which man is an instrument, and that the triumphal decision is brought from on high by a will superior and divine.'

The man who knew him most intimately, General Weygand, has very justly written: 'He was asked from what source a man could draw such unshakable firmness of character. From the strength of his mind, he told us, but also from his conscience as a soldier and a Christian.'

One evening in November 1928, the Marshal was at the family home in Valentine with his brother, the Jesuit

priest. They were sitting near the great fire which had been kindled, and a secretary was reading from a religious work written by Father Foch. The Marshal listened, sitting on a stool beside the fire. When the reading came to an end, the priest asked the Marshal: 'What do you think of it?' 'It's too much for me,' the Marshal answered humorously. 'I'll tell you something, however. When I left Saint-Clément de Metz, Father Cosson gave me as his highest word of advice to call often on the Holy Spirit. Ever since that time I have said each day the traditional prayer *Veni, Sancte Spiritus*, followed by the liturgical prayer . . . *da nobis . . . recta sapere . . .* That prayer is the finest of all!'

To think justly and truly — his faith above all taught him that. That faith conformed to the teaching of his mother, his masters, his Church. He denied himself the subtleties in which the captious spirit indulges. He had an admirable sense of discipline. He wished, quite simply, to be a believer.

He died a believer. A great crucifix dominated the bed on which he died. I have leafed over his family books of prayer on his bureau, their pages yellowed. He understood the Evangel, the Missal, and the Imitation of Jesus Christ. They formed the daily nourishment of his thoughts and of his life. Foch loved to recall what Napoleon said of war, that it was an art primarily simple and all a matter of execution. But Foch would certainly have said no less of religion, of his own religion, that it was simple, and all a matter of execution; that is to say, a great truth infusing a whole life.

WASTING A BILLION A YEAR

BY LAWRENCE SULLIVAN

I

RESISTANCE to the centralization of authority and the multiplication of bureaucratic functions in Washington was born with the Federal government. Our constitutional history begins with a definition of the cleavage between the two major parties on this point during the last quarter of the eighteenth century. It is doubly significant, therefore, that voices of warning against our lumbering and top-heavy Federal establishment arise to-day with equal vigor from the Democratic and Republican ranks.

It is easy to imagine Thomas Jefferson shaking a long gnarled finger in the faces of the Hamiltonians in 1800 to admonish:—

Demand has grown up for a greater concentration of powers in the Federal government. If we will fairly consider it, we must conclude that the remedy would be worse than the disease. What we need is not more Federal government, but better local government. From every position of consistency with our system, more centralization ought to be avoided. The states would protest promptly enough anything savoring of Federal usurpation. . . . Once the evasion of local responsibilities becomes a habit, there is no knowing how far the consequences may reach. Every step in such a progression will be unfortunate alike for states and nation.

But it must give the followers of Alexander Hamilton something of a start to realize that this quotation is, in fact, from the 1926 Memorial Day

address of the Honorable Calvin Coolidge, then President of the United States by virtue of the largest popular majority ever given a Republican nominee up to that time.

Nor has any Democratic advocate of a general house cleaning in Washington risen to record his jubilation that one hundred and thirty-seven years of development under the Hamiltonian theory at last produced a vindication of the Jeffersonian doctrine by the heirs and successors of the Federalists. For to-day the problem is not an academic discussion between political theorists. It is, rather, a pressing affair of state commanding the serious and patriotic attention, not only of political gentlemen, but of the business world, educators, publicists, economists, and sociologists. Extreme commentators go so far as to suggest that democratic institutions are in the balance. If self-government cannot be made efficient, responsive, less burdensome financially and less wasteful of the busy citizen's time and energies, this group contends, then democratic forms must give way before the pressure of the age.

From this dilemma the country instinctively recoils. Hence the insistent demand to-day for effective reform. Both parties pledged themselves in their 1928 national platforms to revitalization of the Federal government through departmental reorganization. As further evidence that the problem already is above the status of routine partisan issues it is necessary only to cite, in connection with Mr. Coolidge's

Memorial Day address of 1926, the more recent statement of Representative Louis Ludlow, a Democratic Congressman from Indiana, made in the House on April 28, 1930: —

During the last two decades bureaucratic power has grown by leaps and bounds, until Washington dominates, regulates, controls the nation even in the most intimate concerns of its citizens. Local self-government is vanishing in the rush to let Washington do it. Priceless rights and privileges which the forefathers intended to be exercised locally are being surrendered without a struggle into the vortex of Federal authority. Every day government is being removed farther and farther from the home and fireside into the tentacles of the already overwhelming Federal bureaucracy.

As a member of the Capitol Press Gallery for twenty-eight years, Mr. Ludlow watched the Federal government 'grow up like Topsy.' His plea for reorganization grew out of a sincere conviction, he told his colleagues in the House, 'that bureaucracy ultimately will be the ruin of this country unless something is done to check it.'

Among thousands throughout the country who shouted public hosannas in response to Mr. Ludlow's demand for a non-partisan, quasi-legislative commission to curb centralization were the governors of seventeen states, eight ex-governors, and nineteen judges of state supreme courts. Henry Ford and Thomas Edison expressed their agreement, as did Nicholas Murray Butler, Owen D. Young, John W. Davis, John R. Commons, George B. Cortelyou, William Allen White, and Charles D. Hilles. In July 1930, the annual Conference of Governors, at Salt Lake City, made the subject one of the chief topics of the agenda. A political or social tendency which commands the attention of such a group of men is more, obviously, than a figment of Congressional imagination.

II

Only an appreciation of the meaner practicalities of the legislative process in Congress can explain why the difficulties in the path of effective reform thus far have proved insurmountable. The subject has been under investigation almost constantly for twenty years. It has been accepted by influential leaders in both parties for almost a decade that the existing Federal establishment is costing approximately a *billion* dollars a year more than would be required for the same functions under an efficient organization. Half of this amount would be saved annually in direct appropriations and the remainder in the cost which citizens bear in essential contacts with their government. Why, then, is nothing accomplished?

The preponderance of evidence places the responsibility squarely upon Congress. Unable itself to work out a programme of reorganization, it declines doggedly, nevertheless, to extend the necessary authority to an executive agency. Whenever a specific plan for reorganization is presented in Congress, there immediately leap to arms the original sponsors of every useless bureau and every dead function marked for the grave. The Senator whose sister's son may be Chief of the Bureau of the Animal Industry will see to it that that agency never is consolidated with the Stockyards Administration. And the venerable Congressman from Michigan who fought for the establishment of the National Commission on Fine Arts will filibuster to the end of his days against any measure to consolidate that organization with the National Capital Park and Planning Commission. Nor will the delegation from Mississippi assent to the abandonment of the Cotton Ginning Laboratory so long as the Wood Products Labo-

ratory is to be continued at Madison, Wisconsin.

Thus do personal, political, or sectional interests enlist anywhere from one to a hundred defenders in Congress for every bureau, office, agency, experiment station, and research laboratory. Indeed, inquiry discloses that every R. F. D. route has its little bloc of defenders, who will make certain that Star Route No. 33,817 never shall be motorized before Star Route No. 17,641. In these circumstances, any measure to redistribute the administrative functions of the government induces as much legislative logrolling as a Congressional reapportionment or a rivers and harbors bill.

'All right,' runs the Cloak Room bargain, 'keep the Naval Observatory out of the Weather Bureau, and Keokuk will be made a terminal on the Mississippi Barge Line.'

No other set of forces could have placed the Public Health Service and the Prohibition Unit in the Treasury Department, or maintained the Geological Survey in the Department of the Interior while the Bureau of Mines thrived in the Department of Commerce. No other legislative system could have provided twenty-six separate purchasing bureaus for the Treasury Department.

The whole range of these operations in primitive barter was called into play as recently as May 1930, when Congress took up President Hoover's recommendation that the National Home for Disabled Volunteer Soldiers, the veteran relief agency established after the Civil War, and the Bureau of Pensions, which administers the pensions of all warriors on the rolls up to 1917, be consolidated with the Veterans Bureau, which looks after World War service men. Committee hearings developed that the consolidation would save approximately \$1,500,000 annually in administrative

expenses. Yet only by a series of compromises on unrelated legislation was the consolidation measure rescued from the oblivion of the House Calendar. The President formally proclaimed the consolidation in September 1930.

In the case of the Prohibition Unit, even the compromises could not bring about a reorganization patterned after the predetermined principle. Illicit traffic in non-industrial alcohol is the problem of the Department of Justice, while illicit traffic in industrial beverages remains the charge of the Treasury.

Congress has had before it since June 1924 the report of the most recent Joint Committee on Reorganization of the Executive Departments. This report shows that construction projects are initiated and supervised by no less than twenty-five separate agencies of the government, seven of which are in the Interior Department. Five others are in the Department of Agriculture, three in the Department of Commerce, three in the Treasury Department, and the remainder scattered from the Panama Canal Office to the Bureau of Immigration. The same committee reported that marine charts are prepared daily by the Bureau of Navigation, Navy Department; Geodetic Survey, Commerce Department; and the Lake Survey, War Department. Twenty-four agencies are engaged in topographical surveys and mapping. Engineering research is carried on by twenty-two bureaus and offices. Fifteen divisions administer rivers and harbors projects.

The captain of an American ship coming into an American port is required to deal with thirteen Federal officials operating in seven different departments before he may land his passengers and cargo. The Public Health Service inspects the vessel at Quarantine; anchorage is assigned by the War Department; the Commerce

Department inspects his boilers and life-saving devices; one bureau of the Labor Department helps to sign off his crew and another inspects his immigrants; the Department of Commerce enters the registry of the voyage and the Treasury Department attends to customs on the cargo. The master must go to another bureau for changes that may have occurred in lighthouse signals, to another for charts of domestic waters, and to still another for charts of foreign waters. When his bottom is loaded again, the captain has to go back through most of these formalities to get away from port.

Seven years have elapsed since these symptomatic facts were laid before Congress by a special committee specifically created by Congressional authority to report them. But nothing has happened.

III

Woodrow Wilson once likened the structure of the United States Government to an old plantation house he had known as a boy, in Georgia. In early Colonial days the structure had begun as a single square room of hand-fashioned red brick. Three years later a log cabin had been attached at the rear. Another five years saw the old brick façade extended in two directions, with bricks of another size and color. The second generation ran out a wing from each end of the newer brick additions and graced the whole with a spacious and fashionable porch sustained by imposing white columns. Another generation replaced the old log portion with still a fourth style of brick, lifted the building from the ground, dug out a cellar, and underlaid the whole with a foundation of stone and mortar. It was, in the end, a very substantial building, which served quite well as a plantation homestead. Especially striking was it to those who

knew that it had been designed in the first instance as a mere prospector's shack beyond the Fall Line.

It was his own hope, Mr. Wilson explained in the 1912 campaign, that he might bring about this final phase of modernization and unification as applied to the Federal government. There were, to his mind, 'a great many old lean-tos which need to be ripped away, so that the light and air of the modern world may enter the central structure.'

The World War, of course, frustrated this hope, and the old homestead stands to-day as it stood in 1912 — with some twenty more lean-tos added in the interim. So rambling and disconnected is the edifice to-day that even the inhabitant is unable to find his way beyond his own little nook. In many sections the air remains the unwashed ozone of 1789.

Our generation remembers the debates which culminated in the establishment of the Department of Labor in 1913. But few recall that the entire governmental organism came into being by the mere process of adding chunk upon chunk to the prospector's shack of the Fathers through one hundred and forty-one years of national history.

Following the adoption of the Constitution, separate acts of Congress in 1789 created the Departments of State, War, and Treasury. The fourth member of the Cabinet was the Attorney-General, but he headed no department. He was merely a professional consultant for the executive branch. A temporary Postmaster-General was authorized in September 1789, but the Post Office Department was not created until 1794, and its head did not become a member of the Cabinet until 1829.

Some four years after the creation of the Post Office, the naval functions of the military establishment were transferred to the new Navy Depart-

ment. For more than fifty years the organization of the executive arm remained on substantially this basis.

The second generation of American statesmen added the Department of the Interior, in 1849, and the Department of Justice, in 1870. Two years later the Post Office was raised to the rank of equality with all other departments, its present footing. The Commissioner of Agriculture, an emergency officer authorized by Congress in 1862 to ensure food supplies during the rebellion, became the head of a department equal in rank twenty-seven years later, in 1889.

In the next addition to the structure, in 1903, the Department of Commerce and Labor was created by a compromise between two evenly matched Congressional groups, one of which wished to foster commerce and the other to advance the interests of the worker. In 1913 these two functions were divided between the Department of Commerce and a new Department of Labor.

Far more significant than the chronology of the development, however, is the analysis of the haphazard legislative processes by which the new departments came into being. Forever experimenting in new fields of governmental activity, Congress early in the nineteenth century hit upon the commission as the ideal administrative agency for its successive ventures. Set up at the rate of four or five during each session of Congress after about 1850, these scattered commissions were, at intervals of about twenty years, swept pell-mell into new departments.

When the Department of Commerce and Labor was established in 1903, there were transferred from the Treasury such widely scattered functions as the Lighthouse Establishment, Steamboat Inspection Service, Bureau of Navigation, Bureau of Standards,

Coast and Geodetic Survey, Bureau of Immigration, and the Bureau of Statistics. The Interior Department contributed at the same time the Census Office, and the State Department the Bureau of Foreign and Domestic Commerce. Two independent agencies created since the organization of the Department of Agriculture in 1889 completed the new branch of the government. These were the Bureau of Labor Statistics and the Fish Commission.

The record does not show that anyone suggested at the time that labor, commerce, lighthouses, fish, and statistics presented a rather wide scope of activities for a single department of the government. Yet this case epitomizes the systematology of our governmental structure.

And the system explains that rarefied form of bureaucratic floundering witnessed to-day in the Bureau of Reclamation's spending millions of dollars every year to bring into fertility thousands of acres of reclaimed land, while the Department of Agriculture and the Federal Farm Board send their agents to the far corners of the country preaching the gospel of acreage reduction for every major crop. It explains, too, the phenomena of the Forestry Service, Department of Agriculture, spending thousands of dollars monthly in conservation propaganda while the Wood Utilization Committee, under the Department of Commerce, searches intensively for new uses for lumber and new methods by which wood may be substituted for metals in industrial construction. Similar instances of two agencies of government working at cross-purposes might be cited in every department.

Never in our national history has there been a general realignment of functions according to a unified administrative plan.

IV

'First the blade, and then the ear, then the full corn shall appear,' runs the Scriptural genesis of bureaucracy: First a commission, then a bureau, eventually a new department. There is no other definition of the Federal province to-day. Those things which have been turned over to some bureau, commission, or office are matters of Federal concern; those which have not been delegated remain matters for the states. The political forces and processes which from time to time produced these new agencies of regulation go far toward explaining the present-day chaos in our constitutional theory.

As national development presented new problems, demand arose for a measure of governmental control. In the state legislatures the control efforts in all economic affairs were frustrated immediately by the argument that economic forces are not confined by state boundaries. The issue went, therefore, to Congress.

Unable to determine upon a new national policy in a single session, Congress created a commission to investigate and administer the new problem and report, with recommendations, at the ensuing session. In the next session the commission was continued for a second year, the report indicating that the new problem had many ramifications. Quite naturally it came about in the vast majority of cases that the division between those who wished to give the new problem over to the Federal government and those who wished it to remain in the old legal status was deep-rooted and about equal in point of votes. Thus a clearly defined national policy seldom was achieved. Gradually the commission expanded its activities from year to year, gaining increasing appropriations easily as a compromise between

the two opposing Congressional groups, and so entrenched itself as a new independent establishment of the government. The Post Office began as an independent establishment in 1794, and was not recognized as a department until 1872. The Department of Agriculture began as a commission in 1862. The Department of Labor began as the Bureau of Labor, in the Interior Department, in 1884.

But it was not until the last half century that the national urge toward new commissions developed alarming symptoms. The revolt against the spoils system called into being the Civil Service Commission in 1882; the evils of railroad rebating gave birth to the Interstate Commerce Commission in 1887. These were among the first commissions, in the present-day meaning of the word. They were new agencies of government vested by Congress with quasi-judicial authority, created specifically to administer some particular phase of national life. The important departure in each case is found in the fact that such agencies are responsible to no elective or administrative authority; their spheres of operation are broadly defined by Congress in the respective organic acts; the appointive terms of the actual administrators are fixed by law. As a result, these administrators are, for all practical purposes, above political accountability. A department head who is found to be an unfaithful public servant may carry down a President. Or he may be brought to trial in the courts. But it is axiomatic in Washington that, right or wrong, an administrative commissioner is as strong — or weak — as the group which sustains him in Congress.

From about 1890, the mania for boards, commissions, and joint committees developed rapidly. Theodore Roosevelt's administration brought nineteen new boards and fifty-seven

new commissions into being between 1901 and 1909. President Taft's four years recorded the launching of thirteen additional commissions and thirty-two new boards.

Counting every sort of board, commission, committee, joint committee, and special delegation, 492 independent administrative and legislative agencies were created between March 4, 1901, the beginning of the Roosevelt era, and March 4, 1929, the end of Mr. Coolidge's administration.

Among the more important new agencies created in the pre-war years were the International Waterways Commission and the Board of Engineers for Rivers and Harbors, in 1902; the Joint Army and Navy Board, 1903; Crop Reporting Board, 1905 (since combined with the Department of Agriculture); Inland Waterways Commission, 1908; International Joint Commission, 1909; Federal Reserve Board, 1913; Federal Trade Commission, 1914; National Advisory Committee for Aeronautics, 1915; Council for National Defense, United States Shipping Board, United States Tariff Commission, and Farm Loan Board, 1916.

With the outbreak of the World War, every agency of the government was suddenly burdened with added duties, and a score of new independent establishments were created almost overnight to administer the problem of sustaining about half the world with food and munitions. Between June 30, 1916, and June 30, 1918, the number of civil employees in the Federal service increased from 438,057 to 917,760, more than 109 per cent.

Purely military functions were lopped off rapidly after the Armistice, but the trail of post-war problems, administered by such agencies as the Veterans Bureau, Railroad Administration, Allied Debt Funding Commission, and the Alien Property Custodian, imposed

upon the Federal machinery a burden which at once routed all hope of a return to the pre-war personnel basis. The low point of the post-war deflation of the government pay roll was reached in 1923, when the civil list was reduced to about 550,000 persons. Since that time it has swung upward rapidly to more than 700,000.

Meanwhile, the march of the commissions has continued. The Federal Power Commission came into being in 1920; the Federal Narcotic Control Board and the German Mixed Claims Commission in 1922; the American Battle Monuments Commission, the Personnel Classification Board, and the Mexican General Claims Commission in 1923. The next year brought out the International Water Commission, the Interdepartmental Board on Simplified Office Procedure, the Board of Tax Appeals, the Inland Waterways Corporation, the National Capital Park and Planning Commission, the Pueblo Lands Board, District of Columbia Memorial Commission, United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, the Federal Oil Conservation Board, the Alaskan Game Commission.

Between the end of the Wilson administration, March 4, 1921, and the inauguration of President Hoover on March 4, 1929, no less than thirty-two new boards and sixty-two additional commissions were called into being, either by Congressional resolution or by Presidential proclamation. Many of these, of course, were of the fact-finding type, which have reported and disbanded. It is true, nevertheless, that in no fiscal year since 1920 has the number of independent establishments listed in the annual budget been fewer than in the preceding year.

Reduced to a sentence, all the facts mean simply that, over a period of some

thirty years, a governmental establishment commanding a personnel of some 700,000 men and women faced, on the average, three major enterprises every two months which required the creation of special agencies.

Nothing could be more eloquent of the need for reorganization to provide for the United States a twentieth-century system of government.

V

The history of bureaucracy demonstrates that there is about a newly established agency of government only one certainty — it will grow! The Department of Agriculture's appropriation for 1889, its first year as a Cabinet branch, was \$1,134,000. For the fiscal year 1930 the Department's budget was \$154,232,000. In 1912 the Children's Bureau was established with an appropriation of \$25,000; last year's budget was \$1,020,000. The Federal Trade Commission began in 1914 with \$75,000, and last year got \$1,289,000.

A stenographer here, a new survey there, an emergency enterprise, a special conference — the working out of this inevitable tendency in some two-score agencies of the government accounted for the addition of some \$15,000,000 to the Civil Service pay roll within the District of Columbia alone between 1928 and 1930.

The general administrative budget of the Secretary of the Interior, for example, which covers salaries, printing, and similar routine expenses, increased from \$939,885 in 1928 to \$950,500 in 1930. The same group of expenses in the Department of Justice were \$4,197,498 in 1928, \$4,624,000 in 1930. General appropriations for the Department of Labor were \$712,454 in 1928, \$735,922 in 1930.

Even larger increases are encountered in the Budget Bureau's reports covering the various branches of the

Navy Department. The Bureau of Supplies and Accounts was allotted \$152,000,000 for 'pay, subsistence, and transportation' in 1930, against \$141,000,000 in 1928. No increase in naval personnel had been authorized in the interim. The Navy's Bureau of Aeronautics received \$31,000,000 in 1930, as against \$22,000,000 in 1928. In the same interval civil salaries in the Navy Department increased from \$315,000 to \$400,000 a year.

Nor is the administrative branch the only yeasty agency. Between 1928 and 1930 the annual outlay for the legislative establishment increased from \$16,402,048 to \$19,520,299.

In the last analysis, full responsibility for this tendency toward constant uncoordinated expansion rests upon Congress. If the drain of ever-increasing pay rolls, traveling expenses, and printing bills ever is checked, Congress must do it. Congress holds the purse strings. Until both House and Senate awaken to the menace of bureaucracy, the nation can hope for no relief from its present burdensome taxes.

But a hint as to the sort of mountains which are yet to be removed is found in the recent remarks of Representative Samuel A. Kendall, of Pennsylvania, ranking Republican member of the House Committee on Post Offices and Post Roads. After a conference with President Hoover at the Executive Offices late in November, 1930, Mr. Kendall told newspapermen he had called to express his 'uncompromising opposition to the efforts of the Postmaster-General to wipe out the postal deficit.'

'I wish the deficit were twice as large,' Mr. Kendall elaborated. 'That would mean generally improved service, more people at work, more rural routes. If they want to save money, let them start on the Navy, or the Army, or the Department of Agriculture.'

'Have you, as a member of the Committee, made any investigation to determine whether the postal budget might be reduced without impairing the service?' Mr. Kendall was asked.

'No,' he replied without hesitation. 'Congress created the Post Office Department, and when Congress decides to change it, it will do so without a lot of investigating.'

Let thoughtful citizens pause to consider that, under the existing seniority rules of the House, it is only a matter of time until Mr. Kendall will be chairman of the powerful Committee on Post Offices and Post Roads, which appropriates about one *billion* dollars of public money every year.

He, perhaps, was a little more frank than most of his colleagues would have been in expressing their views for publication; but his statement reveals rather fairly the current mine-run mental processes of members of the House of Representatives on the grave national problem of bureaucracy. Mr. Kendall knows very well, of course, that the same argument is advanced every year by the chairman of the Naval Affairs Committee against reduction in the naval budget, by the chairman of the Committee on Agriculture and Forestry against any curtailment in the Department of Agriculture — and so on through the entire Federal budget. Meanwhile the postal deficit continues at about \$80,000,000 annually.

If this order ever is to be changed, the people of the nation must speak for themselves. The nation has few spokesmen in Congress to-day.

VI

During the first two years of Mr. Hoover's term, seventeen commissions, committees, or boards were established — which compares with forty-six new agencies set up during the last two

years of Mr. Coolidge's administration. The most important of the new Hoover commissions were the Federal Farm Board, the National Commission on Law Observance and Enforcement, the President's Commissions on Conservation of the Public Domain, the White House Conference on Child Health and Protection, the National Business Survey Conference, the Emergency Committee on Employment, the National Negro Memorial Committee, and the Commission on Social Trends. Only one of these, the Farm Board, is a permanent agency of government. The remainder are fact-finding committees.

Once chided that soon he would appoint a new commission every day, President Hoover replied, 'That is wrong — I shall probably need to appoint two a day.'

He explained: —

My conception of government leads me to the firm conviction that we have arrived at a time in our history when, because of the increasing complexity of our civilization and the delicacy of its adjustments, we must make doubly certain that we discover the truth. It is necessary that we make the fullest use of the best brains and the best judgment and the best leadership in our country before we determine upon policies which affect the welfare of a hundred and twenty million people. And I propose to do it. . . . By his position the President must, within his capacities, give leadership to the development of the moral, social, and economic forces outside of government which make for betterment of our country. If we are to curtail the extension of the arm of government into the affairs of our people we must do it by inspiration of individuals, by coöperation with voluntary organizations, that they, through their own initiative, through their own actions, should remedy abuse and initiate progress. Self-government comprises more than political institutions. It is more than municipal governments and state governments, legislatures and executive officers. The safeguard against oppressive invasion of

government into the lives and liberties of our people is that we shall cure abuse and forward progress without government action. That is self-government in the highest form which democracy conceives it — self-government outside of government.

Early in the administration of President Harding, the then Secretary of Commerce, Herbert Hoover, interested himself in the problem of departmental reorganization, going so far in 1923 as to prepare a detailed outline of a 'functional grouping' which he submitted later to the Joint Committee on Reorganization. The principle of 'functional grouping' implies merely that the Secret Service Division is quite remote from the chief purposes of the Treasury Department, and that the administration of Alaska and Hawaii falls as naturally to the Department of Labor as to the Department of the Interior, to which both possessions now are assigned.

To use Mr. Hoover's own language, the principle means simply 'that all administrative activities of the same major purpose should be placed in groups under single-headed responsibility. . . . There is no worse agency of government than commissions and committees for executive action. Action requires undivided mind and undivided responsibility.'

Testifying before the Joint Committee on Reorganization on January 22, 1924, Mr. Hoover set forth that 'our industries and business are badgered to death for duplicate information by a host of non-coördinating agencies.' As evidence of how badly the functions of government are scattered, he offered a chart showing that the complete reorganization of the executive arm, to bring all related activities under unified responsibility, would necessitate the transfer of fourteen fragments of educational functions from three depart-

ments; six health fragments from five sources; eight aid-to-industry segments from four sources; and sixteen public-works agencies from five sources. As a means of coördinating all the scattered public-welfare activities of the government, he advocated the creation of an eleventh department, to be known as the Department of Education and Relief, with one assistant secretary for education, one for public health and child welfare, and a third for veterans' affairs and pensions.

Significant from the standpoint of practical considerations is the fact that this programme does not open the question of the legitimate bounds of Federal activities. It confines itself instead to the single point that, whatever the Federal functions may be at a given date, the manifest duty of Congress and the President is to provide that they shall be administered efficiently, economically, and with that wholesome flexibility which is so sadly lacking in our bureaucratic organization to-day. But the question, for example, whether maternity aid is a proper function of the national government does not, for the moment, arise.

Mr. Hoover again urged reorganization — this time without details — in his first general message to Congress, on December 3, 1929. He said on that occasion: —

This subject has been under consideration for over twenty years. It was promised by both political parties in the recent campaign. It has been repeatedly examined by committees and commissions — Congressional, executive, and voluntary. . . . The conclusions of these investigations have been unanimous that reorganization is a necessity of sound administration, of economy, of more effective governmental policies, and of relief to the citizen from unnecessary harassment in his relations with a multitude of scattered governmental agencies. . . . There is no proper development and adherence to broad national

policies and no central point where the searchlight of public opinion may concentrate itself. . . .

A second broad principle which should govern the reorganization, Mr. Hoover suggested, was that 'all administrative activities should be separated from boards and commissions and placed under individual responsibility, while quasi-legislative and quasi-judicial and broadly advisory functions should be removed from individual authority and assigned to boards or commissions.'

These principles were put forward by the President as 'the distillation of the common sense of generations.'

But broad schemes for reform had been presented to Congress many times before. With bills to bridge the Kismimmee at Okochobee, they have been referred to committee. And *that*, as the Congressman from North Carolina had said so often to the Congressman from South Carolina, was *that*. It was these considerations that prompted the President to add to his message: —

With this background of all previous experience I can see no hope for the development of sound reorganization of the government unless Congress be willing to delegate its authority over the problem (subject to defined principles) to the Executive, who

should act upon approval of a joint committee of Congress; or with the reservation of powers of revision by Congress within some limited period adequate for its consideration.

To date Congress has taken no action on these recommendations. Neither has it submitted any other programme. Meanwhile, a new, and larger, national budget is upon the land — and the dead hand of bureaucracy is cooling in *rigor mortis* upon the throat of democracy. Before our very eyes, in the words of Lord Hewart of Bury, the Lord Chief Justice of England, in his recent slashing attack upon Great Britain's bureaucracy, 'the whole system of self-government is being undermined, and that, too, in a way which no self-respecting people, if they were aware of the facts, would for a moment tolerate.'

To which there echoes everlastingly above the vulgar din of logrolling and back scratching on Capitol Hill the warning of Woodrow Wilson, uttered as long ago as 1912: —

The history of Liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

WHAT IS SCIENTIFIC EXACTITUDE?

BY T. SWANN HARDING

I

Not long ago I heard a Unitarian minister (over the radio!) define religion as a spiritual service to ideal and somewhat intangible values. Having adopted that very intelligent postulate, he built an interesting and quite logical argument upon it. But he offended me in one way, and that was by saying, 'Of course, I cannot demonstrate the spiritual forces of religion to you with "scientific certitude." They do not stand up under the rigors of laboratory analysis, but they are none the less real, I assure you.' Similarly I have often heard workers in the social or the biological sciences say to workers in physical science: 'Of course, we cannot make statements about things in our domain with the scientific exactitude you can use in yours, but our findings do have value.'

What is this scientific exactitude? Twenty years' intimate experience with physical science has failed to reveal it to me. I can understand religious certitude and mathematical exactitude, but scientific exactitude completely eludes me. The Unitarian minister definitely knew what he was talking about; he defined the entity quite well, all things considered, and; granting his postulate, his logical structure was very good. He believed in what he said. It had an emotional appeal for him. Ergo it was absolutely true for him, he had certitude, and there was nothing further to be said. In reality his logical structure was a

gloss or embellishment and was quite unnecessary, for his hearers must each experience religious truth intuitively, and it had for them an individual significance in each case. The minister's logic cannot produce that intuitive conviction in anyone because it is not a thing of logic. It is felt to be certainly true, and it possesses an absolutism no scientific proposition ever can possess.

I am aware that 'mathematical exactitude' is an expression often abused and that many advanced mathematicians rebuke laymen, saying, 'You must not say that, because mathematics is no longer exact.' I disagree. At least I disagree with their definition of mathematics and believe that, when they say that, they have science mixed up with mathematics. Thus, when you say that the square on the hypotenuse of a right-angled triangle is equal to the sum of the squares on the other two sides, you state something which is exact. But when you say, 'The square on the hypotenuse of this right-angled triangle which I have drawn here on paper is equal to the sum of the squares on the other two sides,' you are over in a different preserve altogether. You are then dealing with science, and your statement is not exact because no instrument of precision exists sufficiently refined for you absolutely to prove it, while you cannot draw on paper points without dimensions and lines with only one dimension to begin with. You cannot even prove that you are dealing with a right-angled triangle in the first place.

This is obviously the distinction Bertrand Russell had in mind when he wrote:—

Pure mathematics consists entirely of such asseverations as that, if such and such a proposition is true of anything, then such and such another proposition is true of that same thing. It is essential not to discuss whether the first proposition is really true, and not to mention what the anything is of which it is supposed to be true. If our hypothesis is about anything, and not about some one or more particular things, then our deductions constitute mathematics.

Such statements, based, of course, upon a few undefined initial postulates, have the most precise logical exactitude it is possible to attain.

In the laboratory, however, I met little of such exactitude. If in reading a polariscope (or any instrument of precision), or in making my final weighing incidental to a phosphorus determination, I managed to get four or five results which were exactly alike, I at once became suspicious of myself. I felt quite certain that something was 'wrong.' Instead of such exactitude I expected to find errors of five per cent not at all unusual, while I should have been a victim of extreme anxiety if most results did not bob back and forth, above and below the ideal mathematical value, to the extent of two or three per cent. To secure what science calls exactitude I averaged these results and took the final average as correct, but, please observe that immediately I did so I had invoked the austere logic of mathematics and had left science and reality altogether.

This also is precisely the attitude of the physicist confronted with a gas composed, he assumes, of minute particles which are in violent straight-line motion of different velocity per particle. Suppose he wants to compute the position and velocity of a specific molecule. Each molecule is supposed

to be a rigid sphere and its motions are assumed to be governed by the ordinary laws of collisions in mechanics which work so well when two automobiles come together. Yet the task is hopeless. For no physicist can hope to know exactly the initial conditions in a complex case like this where the number of entities (particles) is so great. So what does the scientist do—stand awed? Not at all. He falls back on the exactitude of mathematics; he ceases to attend individual molecules and begins to deal with aggregates en masse; he employs the principle of large numbers and concentrates on averages; he invokes statistics. He leaves reality and utilizes the æsthetic exactitude of pure mathematics, thus attaining his type of certitude.

Thirty years ago Rowland said: 'I do not know what an atom of iron may be, but it must be as complicated a structure as a grand piano.' To-day the electrons in Bohr's atom are in rapid motion in their orbits; however, in Shrödinger's atom—built by another system of logic—the electrons do not move about, but fluctuate in intensity and set up light waves in surrounding space! All of these scientific objects are abstractions or fictions having reality only so far as they are mathematical.

Scientists at Wilson Observatory measure the speeds of three hitherto unclocked nebulae and report them as 3100, 4600, and 4900 miles per second in a direction away from the sun. But astronomers note that the further away a nebula is the faster it moves. Dr. Walter S. Adams suggests that all these measured speeds may be illusory or fictional. Dr. Harlow Shapley remarks that 'the measured velocity is probably not a measure of actual motion, but more likely a measure of crumpling space.' Professor Eddington insists that astronomers have merely been observ-

ing the slowing down of vibrations due to the fact that the light from these distant objects has traveled part way around the cosmos, and that the nebulae are probably not receding from us at all. The exactitude of the measurements made may have been considerable, mathematically, but the scientific certitude they offer is almost nil.

II

As I see it, we confront only three kinds of knowledge, whatever sphere of activity we consider. The first is the intuitive knowledge of the mystic, which is based squarely upon feeling, is not called upon to be logical, and cannot be verified empirically. That such knowledge satisfies many people I have no doubt. That they can live successfully thereby is obvious. It is, however, unfortunate that such people will repeatedly resort to logic and attempts at empirical verification when their knowledge is purely intuitive. That causes much confusion, and the great masses of men would be far better off if it could be avoided.

The other two types of knowledge we confront are the mathematical and the scientific. They are based upon postulates just as surely as is intuitive knowledge, and therefore do not differ qualitatively. But they are based upon as few undefined postulates as possible; their other terms are very carefully and precisely defined and they are logically consistent in the systems they produce — for, of course, in mathematics or in science you can have many systems, each logically consistent, each useful to a certain extent, yet each contradictory of the other.

Then how do science and mathematics differ? They differ in that the propositions of the latter are purely hypothetical and cannot be verified in experience, while the propositions of

the former are empirical and can be verified in experience. Mathematics is, therefore, more autonomous than science, but it is purely a convention. Both mathematics and science use logic for purposes of their own. In both cases the final propositions are true only if founded logically upon the basic, undefined postulates, and the systems are true only if the postulates are true.

In this classification the simple geometry of surveying comes under science, because it can be verified empirically; the same goes for practical arithmetic. On the other hand, geometric systems like those of Euclid, Riemann, and Lobachevsky are purely logical mathematical systems because they cannot be verified in experience. We have no instruments of sufficiently refined precision, for instance, to prove that the sum of the angles of any specific triangle is equal to two right angles, but there is a strong, logical necessity for our general acceptance of this assumption and we find it useful.

But my interest at the moment is in the fact that all three types of knowledge are more similar than most laymen think, and that science is at best far from being the domain of precise exactitude. According to myth it is stated that the Buddha was born of a virgin. I am not familiar with any attempt on the part of followers of this religious leader to prove the fact logically. My impression is that they realize this is mystic or intuitive knowledge and that logic and empiricism have nothing whatever to do with its validity. But I believe it is quite generally known that people in much more 'advanced' countries than those whose inhabitants worship Buddha attempt the impossible feat of establishing by 'logical proofs' the fact that another religious leader was born of a virgin.

The people who could be convinced by logical proofs would not be mystically religious in the first place, and, if convinced by logical proof, would be believing something altogether different from what mystically religious people believe anyway. The validity of their religion rests, for them, upon something quite different from logical proof. It has, indeed, certitude and a finality which science might well envy, but it should not be subjected to the processes either of logic or of empiricism.

On the other hand, you can make a very great many exact observations without being able to reach a logically valid conclusion. As Poincaré put it, you may measure every bit of wood on the ship in the most meticulous fashion without ever arriving at data from which you can calculate the age of the captain. In the same way, while we have a vast store of physical and astronomical data, it is very doubtful whether any of our theories about the formation of the universe have much greater validity than myths, for the simple reason that we are now and seem destined to remain ignorant of the initial condition of the matter composing this universe. In this case we have something quite like a mystical intuition, even though it be presumably arrived at after the correlation of many careful observations. These two cases offer an excellent contrast between science and religion.

III

How indeed does science reach its conclusions anyway, and how exact are they?

This question brings us back to postulates which all scientists, like mathematicians or religious people, must make, and to the actual manner in which data are collected and conclu-

sions or generalizations are reached. I shall take a simple example for purposes of explanation. I shall stick to biology — in fact, to a nutrition investigator testing a food for its vitamin content by the use of rats in the usual manner. How does he use logic and mathematics in his work? Just what exactitude have his final generalizations? Can he be entirely impersonal? What safeguards might he use in evaluating his results objectively?

Since the scientist does not live forever, and therefore cannot observe everything, he must be selective. He must first select the problems with which he cares to deal. The so-called 'pure' scientist selects those problems which are, or appear to be, the most important links in the chain of scientific logic. This has to be done whether immediate applications impend or not, otherwise there can be no chain upon which to depend. Other scientists make practical applications of scientific principles to immediately useful ends. But even the pure scientist must not only select his problem; he must select the results he intends to regard as significant, and, in order to do that, must be as free from emotionally disturbing factors as it is possible to have him.

Suppose, to take a simple instance, a nutrition scientist wants to test a food for its content of the growth-promoting vitamin A. He uses rats. These are the progeny of brother and sister matings and have been bred with extreme care; they are as nearly like one another as it is possible to get living organisms. Since the rat reacts to the absence of vitamin A very much as a human being does, and since a human being is a complex organism with which to experiment, the choice of carefully bred rats is judicious. The rats are next depleted of their entire store of vitamin A, for rats, like humans, can store

small amounts of this vitamin. When their store is gone the young rats show symptoms of an easily recognized eye disease, and young rats are used, of course, because growth is the function regulated by vitamin A. The investigator now usually decides to divide his rats into six groups, and each group is to be fed a different amount of the food containing vitamin A — say from one to six grams thereof per rat per day for a period of eight weeks, no other source of this vitamin being fed.

When the results are examined it is quite evident that one gram of the food does not contain enough vitamin A to sustain the animals, because all ten of them die. This is a clear-cut result. On two grams, however, four of the group live and four die, and the individuals lose or gain in weight the following number of grams in the eight weeks, or until their death: -36, -25, -15, -16, -8, +2, -44, -12, of which the average is -19. It will be seen that some of the animals lost vastly more weight than others, and that one actually gained in weight. Also half died and half lived. Yet all were treated alike. Finally, how much does the average loss of 19 grams for the group actually mean with divergences of from -44 to +2 involved? Nevertheless these results are typical of those regularly reported by scientific investigators who use such averages.

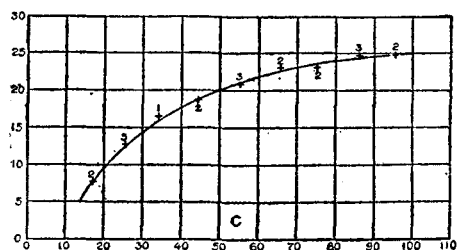
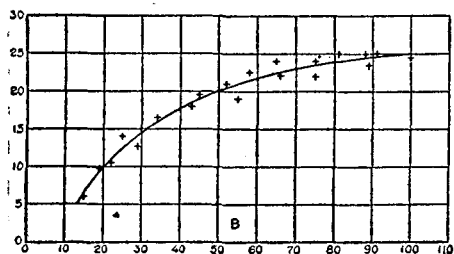
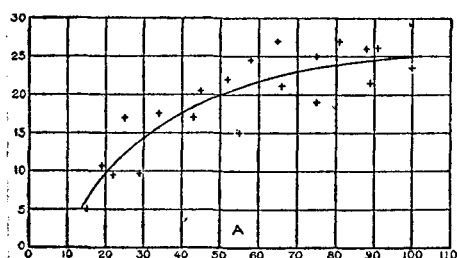
On the three-gram ration, ten rats live and five die, and the losses or gains in weight are as follows: -1, +27, +14, +17, +9, +15, -14, +15, -28, +21, +1, +6, +26, -5, +2, or an average of +7 for the group. Does this average mean anything with divergences within the group of from a weight loss of 28 to a weight gain of 27 grams during the test period? Again it will be seen that one third of the rats died and two thirds lived. But such results (and these have merely been formulated

hypothetically by way of illustration) are typical, and their averages are commonly reported. Why could not investigators cull out large negative figures like -14 and -28 and average the others, especially if some manufacturer who was paying for the investigation very much wanted his special food to appear especially high in vitamin A? Suppose by mere chance this hypothetical investigator had decided to use only eight rats in this case and that he had picked the individuals giving gains of +27, +14, +17, +15, +9, +15, +21, and +26 — see how potent the food tested would have appeared in vitamin A!

At this point I should remind you that such results are usually expressed by a scientist in the form of a graph or a curve. He does not pretend to know all of the points on that curve, because they are infinite in number. He does ascertain a certain finite number of points and then draws his curve. He does not draw what we might call a 'natural' curve which zigzags in every direction, because he assumes that no such complex curve would express any finding in physical or natural science. That, please observe, is a metaphysical assumption of a postulated simplicity at the bottom of things. In order, therefore, to get a 'smooth' curve, the scientist usually omits points which stand too far out of line and assumes that he has made a sensible accidental error in that case. Points very near the line are averaged, so to speak, to make a smooth curve, and the assumption is made that the errors involved were unavoidably inherent in the method used and that they will cancel each other.

If the introduction of a typical curve here can be pardoned, — and I confess that I do this with trepidation, for I am quite as timid about mathematics in its more intricately ornate forms as

any of my readers, — I believe I can show what I mean still more dramatically. As a matter of fact, I shall be quite bold while I am about it and introduce three curves. These curves happen to have been drawn theoretically by a scientist interested in statistical methods as applied to forestry. But the exposition I am giving applies to such curves generally, whether they represent the actions of rats or stars or trees.



Curve A, it is quite apparent, is a highly fictional piece of business; while it does express the general drift of things in a very superficial way, it is marked by so little exactitude that not a single individual observation is touched by it. The particular bits of data in curve B, however, all hover much more closely to the line, and we may say that the curve therefore ex-

presses the general state of things much more exactly than curve A. It is disconcerting to reflect, however, that though the data differ so markedly, the curves themselves are exactly alike.

But let us turn to curve C. This is based on averages. The two crosses in the second block in A and B, the three in the third, and so on, have been averaged, and, whichever of these two you use, you get curve C as a result. We now have the thing demonstrated in two ways. Not only will individual data as diverse as those in curves A and B give, when plotted, a curve that is identical and runs from 5 and 14 to 25 and 100 in exactly the same sweep, but if a third curve is plotted, using the averaged data from either A or B, this new curve, C, runs in the same identical way from 5 and 14 to 25 and 100. It is therefore apparent that the artistic ability to plot an aesthetically gratifying curve, which satisfies the eye and the passion for regularity and continuity, does not add the value of exactitude to the individual observations originally made or transmute inexactitude into precision. The final curve is beautifully exact, but it is mathematical, not scientific.

IV

Returning now to our hypothetical nutrition investigator: when he fed four grams of the food to the rats, let us suppose that he used eighteen animals of which two died and sixteen lived. The individual gains or losses in weight in grams during the eight weeks, or until death, were, we may assume: -14, +4, -7, +21, +12, +17, +20, -18, +17, +30, +20, +21, +18, -11, +23, +13, +22, +10, giving an average for the group of +11 grams. Then eight rats were fed five grams daily, all lived, the average gain in weight for the group was 22 grams, and

individual gains were 25, 16, 29, 17, 19, 12, 31, and 27 grams. At a six-gram weight all five animals lived, the average gain for the group was 39 grams, and the individuals gained 26, 45, 43, 36, and 45 grams respectively. These detailed figures are introduced because they are typical of actual data often reported in scientific investigations of this character, and because by comparison it is very easy to see that the selective function of the scientist could do a great deal to make a food appear to contain an excessive amount of vitamin A when it was really not so rich in that substance after all.

This could be done with a show of great honesty, too, and high talk of exactitude and certitude. For did not certain rats thrive and gain 26 or 27 grams when fed only three grams of the substance for the eight-week test period? Surely they did. But just as surely two individuals lost 18 and 11 grams in weight, and finally died when fed four grams of the food daily throughout the test period. I think this should dispose of the notion that the scientist is a mere dispassionate observer, studying purely objective facts with instruments of precision and recording his results willy-nilly. Instead of that he is compelled to exercise judgment and to be the selecting agency determining first the problem to be studied, and secondly the data to be admitted as significant. These functions it is apparent he cannot exercise as he should when depending upon fees from commercial firms, or when he is animated by strong sentimental loyalties to individuals, or prey to powerful personal prejudices.

In the theoretical investigation we have just so briefly examined there were certain deficiencies. In the first place, such results do not have real value unless at least 100 and perhaps 200 or 250 rats were used in the crucial

experiments — that is, for the feedings at the three- and four-gram rates. Consequently the averages given — and just such averages are given repeatedly as exact — are statistically absurd, because there is entirely too great a deviation among the individuals for any average to be made justifiably. There are investigators who are far more critical of their results and who are slow to claim positive certitude. One comes to mind — this is an actual case — whose work may be examined to show how a more competent scientist works.

This scientist wanted to find out whether feeding iron citrate would cure anæmia in suckling pigs. To do so he ran a so-called paired-feeding experiment. In such an experiment a group of twenty suckling pigs is selected, and individuals are then paired which are just as much alike as it is possible for two pigs to be. The animals got a basic ration which contained only a minimum amount of iron. Then one little pig of each pair was fed three grams of ferric citrate daily and the other little pig got none. The results, among other things, appeared to show that giving the iron depressed the growth rate, or the tendency to gain in weight, of the pigs. Many an investigator would have let things go at that and so reported. This one did not.

He found that, in the first place, he had 143 pair-weeks as a basis of comparison. Hence, if the iron citrate did not affect the growth rate, 71.5 pair-weeks would favor the check pigs and 71.5 the test pigs. Upon examining the weekly gains in weight of the animals, he found that 79.5 actually favored the check and 63.5 the test pigs, meaning that there was a deviation of 8 from the ideal result, and, on the face of it, it certainly appeared that the pigs which got no iron gained weight

faster. But the scientist next calculated the probabilities, and the so-called 'standard deviation of the frequency distribution' of the outcome in a group of 143 events came to 6. In plain language, this meant that the deviation of 8 could easily occur in one of any six trials by pure chance; that the apparent result was not significant and could safely be regarded as negligible. In short, and without getting mixed up in a great deal of detail which would be useless to us here, there are mathematical means of finding out whether a result in such an experiment is significant or whether it could just as likely have been achieved by pure chance.

This same investigator later tested the iron content of the blood of seven pairs of the pigs, and found that in each of the seven cases the blood of the pig which was fed iron contained more iron and more red cells than the blood of its control mate. This, now, is a consistent outcome in seven comparisons, and statistical examination showed that such a result could occur by chance only about once in 128 trials, and it was therefore mathematically, if not scientifically, significant. Hence it seemed safe to report that feeding suckling pigs additional iron increased the iron content and the red-cell count of their blood. In fact, the red-cell count on the pigs which got the iron averaged 8,070,000, and on those which got no iron 7,210,000, a difference of nearly 12 per cent. Also the iron content of the blood of the former was 0.0479 per cent and of the latter 0.0438, or a difference of 9.4 per cent. However, this should not be overlooked (and the investigator did not overlook it): the pigs which got no additional iron were not anæmic. That was an empirical observation of scientific significance. The investigator therefore did not consider even these results significant, and

his ultimate report was negative for the entire work. Unfortunately too many investigators desire to get a positive report to press too quickly to undertake such devastating and thoroughgoing examination of their own results, though, needless to say, the true scientist follows the example of the man who studied the pigs.

This does not mean that the careful scientist has attained exactitude and can speak with positive certitude. While means of refining exactitude exist, we know of none to make scientific exactitude perfect. The minute we perfect our results, by averaging or by drawing a curve and assuming that we have the correct solution to our problem, we have become mathematical. An irreducible minimum of scientific doubt must remain after the most patiently critical investigation, for scientific exactitude is a fiction.

V

I have adhered rather closely to biology, but the same general rules hold in physical science. The kinetic theory of gas pressure assumes that a gas consists of infinitesimal particles all of which are in violent, straight-line motion of varying velocities and never stop unless impeded by a confining wall or another particle. We derive a certain theory of gas pressure in gross, however, by assuming a uniform velocity for the particles, a thing which is certainly untrue, for some surely go slower and some faster. However, the very simple law works well enough; it is stated in terms of an 'ideal' gas which does not exist, and we use that as a measuring rod with which to evaluate the actions of 'real' gases. Here is a logical structure of pure theory put to some practical use. But beneath this simple law it is certainly true that the tiny particles of gases behave quite

erratically, although some deeper simplicity still may be found in time to underlie their antics. However, certain assumptions are made and certain data are selected, correlated, and put to good use.

Scientists make calculations involving gravitation — say calculations of the orbit of a planet. They assume that there is not in the near-by universe some enormous, yet invisible, body which may be exerting a powerful force hereabouts. That is possible, but the assumption is made that no such body exists. Also, in all physical measurement, such assumptions are made as that the velocity of light, or of the earth in its orbit, is constant. There is no final way of testing these assumptions. There is no final way of knowing that some distant stellar body does not exert a peculiar, but powerful, influence upon some physical phenomena we examine here, meanwhile assuming the effect to be negligible. Finally, when it comes to drawing a graph or curve to express his findings, the physicist, just like the biologist, must content himself with knowing the location of only a few points out of an infinite number on that curve; others he must ignore because they are too far out of line; others still he must interpolate, and assume the position of, when he draws a pretty, smooth curve to illustrate the general principle he has found, or wishes to use to 'explain' phenomena he has observed. In short, no scientist can ever be purely objective and act as nature's automaton-secretary. He must select, interpret, interpolate, and, finally, dare to generalize without knowing all the particulars concerned.

This leads us directly back to the three types of knowledge we noted in the beginning, which seem to confuse so many people. The religious person or the mystic has intuitive knowledge. This knowledge has emo-

tional validity, and that emotional validity, for the persons accepting it, is its truth. It does not depend upon logic, nor does it require verification in experience. Its certitude is compelling and final. If these simple facts could only be widely comprehended, not only would dissension between creeds be abolished, but religious people would cease trying to prove their contentions by objective means, and the so-called 'warfare' between science and religion would simply be annihilated.

Mathematical like religious knowledge is based upon undefined postulates, but it adopts just as few such undefined terms as it possibly can, instead of using them wholesale. It builds systems upon these postulates with logical consistency. There are various mathematical systems, depending upon the basic postulates taken. They differ from each other, and are, in fact, often in logical contradiction, however consistent within themselves; but it is also a curious fact that, logic being what it is, each one of them may be applied practically to reality and will assist man in dealing with the phenomena his senses apprehend. Mathematical systems have real æsthetic beauty, appreciated, like all high art, by the few, for their perfect logic is worthy of admiration. Their curious utility is still more interesting.

Scientific knowledge also assumes postulates and is compelled to take a certain number of them as undefined terms or axioms upon which to build. One of them is the assumption that light has a constant velocity; another is the postulate of continuity which permits the scientist to interpolate points on his graphs. In building up from these postulates, both logic and mathematics are used, but they are not paramount. The paramount thing in science is checking up against the phenomena our senses bring us, which

we call reality. As we apprehend reality more completely, scientific principles must fall and be rebuilt, using logic and mathematics in the process. But scientific exactitude (and therefore scientific certainty) can never be absolute. Such certitude is possible only in a theoretical system like mathematics, or in an intuitive but emo-

tionally valid system like a religion. It is very curious to me, and long has been, that this simple fact should not have been realized and that those who alone have absolute certitude in their possession so often refer to science as alone exact and seek to use it as a criterion of metaphysical values which need no such buttresses.

THE BIG TOP IN SOUTH AMERICA

BY JAY ZARADO

I

WITH the big top in South America, life was in many ways different from circus life in the United States. Most of our journeys were by sea; on land we traveled always in a special train, but our trips were not long. We lived in hotels and pensions, and did not go to the lot until time for the performance. We held one parade in each town, on the opening day; after that, our band usually went out every afternoon in the red and gold band wagon and toured the principal streets. At home we played in all weathers; but on our South American journey, if the weather was bad, we did not show. We gave but two matinées a week, the principal one on Sunday. Our tent was smaller and had but one ring; each act worked alone, for South American audiences are not accustomed to watching more than one act at a time. Our programme was changed every day or so, according to the length of time we spent in a given town. This meant that each performer had to be prepared with two or more acts.

The ring was placed in the centre of the big top, surrounded by a high and wide curbing. Boxes with canvas partitions, seating six persons, encircled the ring. Behind them stood six rows of chairs. The 'blues,' the cheaper plank seats, rose against the side wall. In the larger towns we usually showed in a theatre. The theatres were convenient to our purpose, containing, as they did, a circus ring in themselves. It was only necessary to remove the flooring and set up our own ring in its accustomed place. The boxes were often movable and the seats were arranged to circle the ring. The ceilings also were so constructed that aerial acts of any kind could work under them without interfering with the decorations or the lighting system.

We made a congenial company, and thoroughly enjoyed our tour. Our work gave us time for sight-seeing, and we visited all the interesting places we could find. Americans and British came to our show in numbers and arranged many entertainments for us. We were able to learn from them much about the countries through which we passed,

and they helped us to see places out of the ordinarily traveled tourist paths. Adventures of all kinds befell us and many times we were in actual danger. We were nearly four years making the tour, and played throughout all South America except Nicaragua and Colombia, which were in the throes of revolution; Paraguay, where financial depression prevailed; and the Guianas, to which lack of time forbade our going.

Our audiences were appreciative and kind. Little children were often sent to us with gifts of flowers, and one tiny Spanish maid gave me her most treasured possession, a doll, because she said that I was a most wonderful being. At first it was hard to get used to the slow, unruffled calmness of the spectators, but gradually we did so and learned truly to like them. The native as a rule thinks slowly, unless he is angry, and it takes him a long time to arrive at a conclusion. We grew impatient many times, especially while we were traveling.

I remember a time when our train came to a stop, apparently for no reason. After a while we walked toward the engine to find out what was the cause of the delay. All the crew were gathered around the engineer holding a conference. We had felt a bump farther back, and presently we learned that the engine had hit a cow. The train went on a short distance and then came to a stop. Nothing apparently was wrong with the engine, but a large mass of some kind had caught beneath it, which the engine seemed unable to surmount. We listened to the argument that raged about the situation, and one of us finally suggested crawling under the engine to see what the obstruction might be. None of the crew would go — they had not decided which one of them should do so. We might have spent the rest of the day

there waiting for them to reach a decision, but one of our men got under the engine and when he came out we had to laugh at his disgusted expression. The great mass was a piece of the cow.

On the way to San José, Costa Rica, we were delayed by a landslide. We waited three days for a temporary track to be laid and then walked forward as far as we could and watched the operation. As fast as the track could be set another landslide wrecked it. We waited three days more, and decided to take a chance the next time the slide came to a temporary halt. We had the railroad crew lay the track, and then had an engine push us over, with another engine on the other side to pick us up. It was a hurry-up job and the crew did not want to attempt it, but we won our way.

Of course the train had to stand on the temporary track, not at all a secure resting place, until the other engine could be coupled on. The ground shook and the railroad men wailed that we should all be killed. And it is true that we heaved a sigh of relief when the second engine drew us off and we left the hillside to its quaking.

The railroad in Ecuador is a rough one; switchbacks are numerous and loose rock pelts the train from all sides. I sat looking pensively out of the window on one of our journeys there and saw a huge rock take the car step away right before my gaze.

II

Our most exciting experience on a railroad occurred in the southern part of Brazil. We were on our way to Santa Maria. At noon, with about five hours of our journey left, a strike went into effect. We did not know what all the agitation was about when the train stopped and the crew refused to take us any farther. After an argument,

they consented to go on, and we arrived in the town where we were to play about dusk. At the station we were met by a howling mob, armed with guns, knives, and clubs. It was not quite the reception we expected. The leaders of the strike came and rescued us, and we were allowed to go to hotels and next day to put up the big top. But we had to wait for permission to open.

The train crew that brought us into the town had to answer for operating the train after the time announced for all traffic to stop. We had unwittingly become a bone of contention, and feeling against us ran high. The strikers took the attitude that if we were friendly to them we should have stayed out in the jungle until the strike was decided. A meeting, to be attended by everyone interested, was to take place in the plaza in the heart of the town. We put up the show and gave our parade and hoped to open that night. The town was filled with the strikers, some three thousand of them. Our boss was not a little worried at their anything but friendly attitude.

The meeting started late in the afternoon and was still in progress when we made ready for the show at night. There we were in the tents ready to give the show, and two blocks away in the plaza an embittered mob that might suddenly be filled with an appetite for destruction! We heard the sound of their excited voices as the meeting broke up.

They started as one man for the circus tents!

With our band playing, we stood waiting behind our canvas walls. There was a rush of many feet, and the mob had surrounded us. In our dressing-room tent, we tried to guess what the shouting might mean. We could not make out a single word. Then the leaders of the strike appeared at the

door with a score or more friends and raised the shout: 'Viva el circo!'

Our hearts went back to their proper places and we showed to an enthusiastic audience in a packed tent. One of the railroad officials had turned the tide for us by a most eloquent and earnest plea for mercy. Faced with the possible injury and destruction of the property of so many innocent Americans, he put aside all thoughts of the company's part in the dispute, and pleaded solely for us.

After we had played seven days, the strike was still unsettled, and we left under armed guard for our next town. The morning our train pulled out, track walkers twice removed dynamite from the tracks as we were slowly moving away. The strikers resented the presence of the soldiers, who had been sent by the government at the request of the railroad officials to escort our train. Once or twice the train put on speed to escape bands of strikers along the road, as our boss did not want the guard to fire on them and they looked as if they meant us no good. Some months later we learned that the official who had so eloquently pleaded for us had been shot and killed in his private car by an employee whom he had suspended pending an investigation of some affair.

We were generally guarded by police armed with swords, guns, and knives. I do not suppose that we faced actual danger, but we did face unbounded curiosity. In Guayaquil, Ecuador, the fire department had to turn the hose on the crowd. They could not buy tickets fast enough, and were so afraid that they would not get into the tent that they stormed the ticket box.

Many of them did not want to see the show, but they did want to see us. A special squad of police had to be sent to guard the dressing room. Some of the Peeping Toms had slashed the

side wall and we had mended it as best we could. The picked squad of police peeked through the slashes. Our boss sent for the *comandante* of police and he came with a new *capitán* for the chosen troop.

The new *capitán* was a short, important official, very conscious of the honor done him. The *comandante* ordered him to station his men every three feet around the tent. He did so. Then he took his huge sword and slashed a six-foot gash in the side wall, stuck in his head and shoulders, and announced that not only would he guard the outside, but he would look in often to see that we were not molested. So we draped kimonos around ourselves and dressed beneath them as best we could.

Our lot on one occasion happened to be not far from the fringe of the tropical jungle. We were packing up after the last performance when an excited and frightened Indian boy from the side show ran to the dressing room and told us that a large snake had just got away and the boss wanted us all to help recapture it before it got to the jungle.

I had not been in the side show and had no idea of the size of the snake, but I ran with the rest to help if I could. I started toward the nearest lantern, which was being held by an Indian boy. He stood near a fence and beneath it I saw something wriggling. I made a grab and found out that it was the snake. I called to the boy to run for help and made a try at catching the tail of the creature, which was fast disappearing under the rail. The Indian boy dropped the lantern and fled, and I got hold of the tail. For several minutes I had a lot of snake on my hands. I could not let go. The reptile seemed a mile long; I kept pulling it through the fence and shouting for help. Those were frenzied moments, but they came to an end finally with the

head of the wriggling thing held by one of my hands against the muddy ground, the tail by the other, and the rest of me sitting on its middle. At last I was able to look up.

Most of the show had arrived and were offering all kinds of advice. I caught sight of the owner and called out:—

'Here, come and get your varmint! If anything else decides to leave the show I shall not try to stop it. I might have been dragged into the jungle. This thing is a mile long.'

He laughed and assured me that it was only a fourteen-foot python; I never verified it. By the time that both of us had been dug from the mud I had made up my mind that I would be careful about pursuing escaped snakes in the future.

III

In Quito, Ecuador, we had abundant opportunity to acquaint ourselves with the Indians. The place is full of them. We had to take down the 'blues,' as they would only sit on the ground. On one of their innumerable feast or gala days we met a group of some fifteen or twenty with huge, terrifying headdresses and queer masks and costumes. They were at the foot of a hill we had to climb to reach the lot. Some of them were dancing, but when we came in view they muttered among themselves and stood still. I had heard that they considered it bad luck to meet a foreigner during their ceremonial dances.

They stood in a half-circle looking at us, and somehow the tales we had heard of head-hunters in that country rose uneasily in our minds. The street was not well lighted, and we felt very much unprotected, eight or ten of us amid the score of Indians. Suddenly one of them let out a wild yell and

applied a torch to the long, mysterious wands they all carried. The rest of them followed suit, and we raced up the hill as if a host of devils were after us. Glowing sparks, balls, and other fiery missiles came showering down about us, for it seemed that the Indians were supplied with Roman candles, sky-rockets, and other fireworks. It was not, after all, an unfriendly attack. But being bombarded with fireworks in the dark at the foot of a steep hill by Indians of uncertain temper gave us an excuse to be a little startled.

In a town in the rugged little country of Uruguay we found the whole populace aroused by an incident that had occurred just before our arrival. Until the affair should be decided, business was at a standstill.

Early in the morning, an emaciated Indian, weary and ill, was found at the outskirts of the town with the mutilated body of his Indian wife. When he was able to tell what had happened to him he said that in the company of his wife and another Indian he had come down from the hills to trade with the townspeople. A severe storm arose; they lost their way, and wandered into a barren and desolate stretch of country. His male companion died; the surviving Indian and his wife were sick, weak, and hungry. Their only food was the scant green things growing among the rocks. By the time the storm had passed and he had found the road, she was very weak and ill. He carried her for miles and sat beside her at last, watching her die. Then he patiently took up her body and started on toward the town; he would not leave her. But he was a primitive Indian; he was hungry and weak and needed food, and when the craving for it became too strong he cut flesh from her body and ate it.

A storm of criticism and discussion arose when the incident became known.

The police, after an investigation, decided that the Indian had done the best he knew how to do, and that he had a right to preserve his own life. To us it seemed that he differed greatly from the rest of the natives, for a peon has a horror of a dead body. Once we saw a woman apparently drop dead on her doorstep, and the passing crowd fled in terror. When one of us wanted to go to her aid, they would not allow him to do so. We did go to a drug store and have a doctor summoned, who pronounced her dead.

The native Indian seems to suffer from many fears. Once I became quite ill of a fever, and at night I wakened after a feverish doze and wanted some medicine. None of the hotel help would come near me and I started down the street for the drug store alone. On the way back I had to pass a dark, deserted lot. I heard voices and could see men — not very nice-looking men, either. I grew too weak to walk; there was nothing to cling to, and I could not ask those rough-looking men for aid, so when I could no longer walk I crawled. I heard them muttering and saw some of them cross themselves, and they went away. There were buildings at the end of the vacant lot and I could walk the rest of the way holding myself against the wall. Our boss told me that I was safe because I was on my knees; the Indians will not touch a kneeling woman.

IV

Showing in the Andes was both exciting and picturesque. One night a cloud floated along and enveloped the dressing room and we had to feel our way through it into the big top to work. Quito, Ecuador, right on the equator, is cold and snowy and a place of lovely, rugged scenery. Cotopaxi, highest active volcano in the world, looms a solid white peak among a forest of others.

Its black rim and the red fire shooting from the crater are awesome. On the way across the Andes, from Chile to Argentina, we saw the beautiful statue of the Christ of the Andes.

Only one month in the year is it possible to show in a tent in Bolivia, on account of the extreme cold and snow. When we arrived in our first town in that country, Oruro, we were greeted by the cheerful news that people died there suddenly from the effects of the rarefied air. An opera troupe just closing its engagement had buried some of its number. A business man arrived from the United States the night before we came and was found dead in bed the next morning. And we were supposed to do acrobatic and gymnastic stunts!

The snow came down on the big top so heavily that it broke one of the centre poles. But none of us noticed any difficulty in working, except a back-bending contortionist who contorted and could not straighten again. We took him out of the ring into the dressing room and unkinked him, and he did not try to twist himself so severely for a while.

If our acrobats did not find the atmosphere of Bolivia unpropitious, it seemed as though other members of the circus did. A beautiful white horse that belonged to the bareback riders died in La Paz of indigestion. One of our clowns lost his mind. He did not become violent, but suffered from delusions, principally the conviction that people were putting knock-out drops in his coffee. He had to sit alone in restaurants after two quarrels with show people who ate within reach of his coffee. Moreover, our boxing kangaroo curled up and died one day without any explanation.

In La Paz, natives who had a grudge against North Americans showered the parade with rocks. The horse I rode,

when one of them hit his flank, developed a speed I never knew he possessed. Once a street car nudged him, very gently; he ran away, and it took two hours and a squad of police to get us back to the lot after he stopped.

The Indian women wear funny little round hats with brims, and petticoat after petticoat, reaching down to the ground. They cook strange little cakes in the markets, not distasteful except for the smoky flavor, for they are cooked over llama chips. The llamas are funny-looking creatures, with thick woolly hides, backs like goats, long necks like camels, and a terrible disposition. They kick and bite without excuse. Without them the natives could not live. Their wool is marketed, they bear burdens over rocks and hills where no horse could travel, and their chips furnish fuel. It is forbidden by law to export them.

V

All the way down the west coast we were disturbed by earthquakes. We grew so accustomed to them that we could distinguish their characteristics; we could almost tell how severe they were likely to prove by the particular kind of shaking they gave us. The common variety seems to shake with a sidewise motion; but those that cavort up and down are the kind that demolish cities. A *matinée* in Lima, Peru, was almost disorganized by an earthquake accompanied by subterranean rumbling. In Antofagasta, Chile, we were greeted by an earthquake followed by a tidal wave that damaged shipping and the waterfront. It occurred at about four in the morning and ruined a night's sleep. Although it lasted only three minutes, it seemed as though the ground trembled for an hour.

In the history of every country are

landmarks, hallowed often as places of sacrifice. The great granite rock, El Morro, rises in the air out of the rocky coast line, a veritable monument to the dead. One can picture the general who tied his coat across the eyes of his horse and rode it over the cliff to destruction in the scattered rocks at its base, washed by the sea. El Morro stands at the entrance to the harbor of Arica. Inland, and across a desert which took two hours to traverse by train, is Tacna. Bounded on the north by hills and on the south by a desert, Tacna obviously cannot exist apart from Arica, the seaport.

We were granted permission to play in the two famous disputed provinces, subject to certain restrictions and military orders. We lived in specified hotels and the way to the lot was always marked by soldiers. We were forbidden to pass beyond the business section of Tacna at any time. One morning, rising early to watch the sunrise, we saw troops, weary and dust-covered, marching into their barracks. Nearly all the audience was composed of soldiers; the town contains little else.

At Iquique, Chile, steamers cannot approach the shore because of the rocks and reefs, and in landing I found a fresh thrill to add to my growing collection. Some five of us in a small boat were being rowed from the ship to the mainland. A little more than halfway to the shore the boatmen stopped rowing and rested on their oars. The waves were high, and it seemed a decidedly unfavorable place to linger.

'Why do you stop here?' I asked.

'Beneath us is a reef,' said one of the oarsmen. 'Right there,' pointing ahead a few feet, 'is a large arm of it. It is necessary to wait here for a wave to take us over — much water.'

I was so astonished that I just looked at him. Then along came 'much water' and over the reef we went. I secretly

wondered if the boats could always depend on large and obliging waves just when they needed to reach shore.

In the United States, danger was an ever-constant presence; but in South America we seemed to skate continually on the thin edge of destruction. By the time we had reached São Paulo, Brazil, we had passed through nearly every experience possible for human beings to endure and still exist. Two of our number had died — one in Ecuador of yellow fever and one in Southern Brazil of heart disease. The rest of us will probably live to a ripe old age.

São Paulo, Brazil, is in the heart of the coffee country and one of the loveliest cities we saw in our whole journey. We had been playing there some six weeks when influenza broke out. The natives in the congested part of the town died like flies. All day long processions carrying the dead to the cemeteries filled the streets. The very poor died so rapidly and in such numbers that it was not possible to bury them that way. Yet in the heat of the tropics the dead must be cared for at once, especially during an epidemic. They went to the incinerator.

The foreign women established relief stations throughout the poor districts and did what they could to relieve the sufferers. The North American women established a soup kitchen and distributed soup, milk, and groceries among them. Many wealthy families donated the supplies. North American business men gave some of their time each day assisting, and the women in relays kept the kitchen running all through the epidemic. The government closed every place where the public could gather, and we lost forty-two possible show days. I worked in the soup kitchen, and many of us helped the doctors, too. At night the death cart creaked along the quiet

streets picking up the dead of the very poor and taking them to the incinerator. Many of the street lights were extinguished; there was no one to care for them. The shadows of the doorways held bodies waiting for the cart.

We were tired at the close of the day, weary of the despair in the pinched faces we saw. We had no way of knowing when the show would reopen. Everything was at a standstill. We tried to find things to cheer us up, things to laugh at. The only incident I recall that brought a smile to my lips is this.

One night, after the closing of the kitchen, some of the women, I myself among them, were being taken home in a car belonging to one of the doctors. The doctor stopped his car close to where I lived to let someone out, and I said that I would also leave the car there, as I had only a short half-block to go. Just then the death cart passed the car and stopped in the middle of the block. We all watched the driver and his helper as they picked up a couple of bodies lying on the sidewalk. The cart was nearly full and the last body they picked up completed the load. It was the body of a Negro woman perhaps thirty years of age, and naked. It lay on the top of the load as the cart slowly moved away. Under the street light at the intersection the driver and his helper suddenly leaped from the cart, shouting. They ran up the street and out of sight. Then the last body, that of the Negro woman, rose and sat up. We could plainly see the whites of her eyes as she rolled them from side to side. She looked at the bodies on which she was lying and let out a healthy shriek; then she leaped from the cart, looking like anything at all except a corpse, and an instant later fled by, going at a clip that did credit to her fright. Her eyes bulged almost from their sockets and her arms were

outstretched. She screamed until her breath gave out and she vanished in the shadows far down the street.

The overstrained nerves of us all found a vent in hearty laughter.

I worked every day until the kitchen closed and never had a sign of the disease, although I was exposed to it all the time. As a matter of fact, not a single member of the circus troupe came down with it.

Gradually the epidemic diminished, and we took the train for Rio de Janeiro. Business was normal in the city and we were glad of it. We practised daily and soon were ready to open. In a month we had forgotten the horrors of the flu, and life found its accustomed pace again.

VI

After the epidemic in Brazil, we thought that we had encountered every odd and perilous experience that the southern continent had to offer. But we found that we were mistaken. The crowning episode of all remained to complete the tour.

Of course we knew why, from the Isthmus to the Cape and back again, the store fronts are protected by steel curtains, well oiled. They shed bullets. In the province of Pernambuco we ran right into a revolution in full swing. Not a little spluttering revolution, but a very active and genuine one.

We had played in a theatre for two days to very good business in a sleepy town on the seacoast. It was a hot day, and a number of us were watching the band as they climbed into the red and gold band wagon for the late afternoon parade. The driver started the team, the band struck up a lively march, and the parade swung off. As the wagon reached the first intersection, we heard the sound of running feet and a scattered volley of shots. We saw the driver

bend low and whip up the team and the band boys get under their seats. All but the drummer, who climbed inside the bass drum. Around the corner they raced and back to the stable beside the theatre.

Then we could see nothing more, and the deserted street was still. People who a few moments before had been going in and out of the stores had vanished completely. The steel curtains of the store fronts came down with a bang like the report of a cannon and presented a solid front of metal. Silence everywhere.

Through the suddenly quiet street we went to our hotels. We even took dinner without any interruption. We thought that perhaps the trouble would not amount to much, and at our usual time we gathered to make ready for the show that night. Nevertheless only one or two of the cafés were open, and these welcomed their patrons through small doors in the steel curtains protecting the entrances. In the foyer of the theatre was a cigar store. A steel curtain was drawn also over the theatre entrance, and here too admission was only by a small door in the sheet of metal. Quite a few people had gathered at the ticket booth inside the cigar store. A few cars drew up to the curb and a crowd began to enter through the small door. Several people stood on the sidewalk, talking. Without any warning, a party of revolutionists swept around the corner on foot, their first appearance since the scattered volley of the afternoon. They opened fire on the crowd in front of the theatre. There was a rush for the small door; some of that crowd never reached it, but lay still on the walk. Some got into their cars and sped away. Those who could entered the foyer, and the door was closed tightly after them. The shooting persisted steadily for a while up and down the street, but in about

an hour it died away. Some scattered shots were audible in the outskirts of the town.

I lived a block from the theatre and I wanted to go to the hotel, as it was decided that we should not attempt to give a performance. Many of our number, who had put up at a distance, decided not to risk attempting to reach their hotels. They made temporary beds in the dressing rooms and prepared to spend the night there. I started out with several others for the hotel on the next corner. The old stage doorman assured us that we should not be harmed because we were foreigners, but he cautioned us not to run. He said that if we ran we might be fired on, for then the revolutionists could not see that we were not natives.

With this advice ringing in our ears, we set out. The street was lined with trees and not well lighted. We had gone about half the distance when a man behind one of the trees fired as we passed it at someone in the shadows across the way. I forgot all about not running, and made the rest of the distance in zero flat. I did not stop until I was safely inside the hotel.

All entrances were being barricaded, and the proprietor told us that most of the garrison had joined the revolutionists. The revolt was against the governor, who took his loyal troops to the palace; the barracks and the town were in the hands of the rebels. A woman, against all warning, tried to cross the tiny park in front of the hotel, stopped a couple of bullets, and lay still. We made up our minds to stay inside.

Under the roof we found a lookout post which the proprietor used, and from that point of vantage we watched the streets below. He pointed out the palace to us, and it was from there that the steady sound of firing came. When the tone of the firing changed he said

that it was because the governor had given his men steel-nosed bullets; they can penetrate an adobe wall. None of us slept that night. About two in the morning we heard the bursting of shells from a gunboat that had been rushed to the scene. We were not over four blocks from the barracks, and the gunners were trying to find its range. The shells fell near, some of them too near for comfort, but none close enough to work us harm.

Through the dawn of the third morning, when provisions were running low in the hotel, we heard the tramp of marching feet. We rushed to the lookout and waited for the newest development. We heard the proprietor give a cry of joy. Across the street in front of the little park he pointed, and we saw files of little brown soldiers, eyes on the ground, covered with gray dust, and weary. So dusty were they that I thought they were rebels, for they carried no flag. They looked like toy soldiers from our perch under the eaves — little brown toys, gray with dust. With their coming the governor ordered the people to resume business, and some obeyed. The days were tranquil enough, but the nights were still noisy with shooting. After a day or two, we reopened the circus, but business was indifferent and we soon arranged to take up our disorganized route.

But the whole northern part of Brazil seemed in imminent danger of rising in revolt, and we thought that the time had come to return to the United States.

It was one thing to reach a decision, but quite another to be on our way. However our route was mapped out, its path lay through cities and towns that had joined the revolt. We appealed to the government. The officials were

only too glad to get us out of the country and made all haste to ask an ocean liner to put into a port town for us. We faced an all-day journey to reach the appointed port. In automobiles we were carried to the railroad station — past the death cart and its gruesome burden again, past bodies lying in the gutters, past soldiers standing guard. Our driver tried to set a record for speed. We protested. He told us that we were fortunate to find a driver at all. We were, yet it was hard to determine the greater danger — the stray bullets or the lurching car. Even the station had a room full of dead awaiting their trip to the incinerator.

On the train at last, we were guarded again by troops — grim ones this time, with rifles ready for action. All day we rolled through sacked towns, groups of penniless and wandering peons, bands of marauders, and marching rebels. The firing, sometimes distant, sometimes close — our ears were full of it, our heads rang with it. It seemed years since we had stood ready for the show behind the big top, in peace and quiet.

Toward the end of our journey, in the cool of the early evening, we sighted the little port town. How welcome was our first glimpse of the liner lying at her dock with the British flag at her mast-head! She looked so large and graceful and strong! On the high seas we relaxed. The sound of the incessant firing died in the distance; the scuff of marching feet and the racket of shells grew still. We rested happily and compared experiences with each other to the amusement of the ship's crew. The liner was to touch at Para, Brazil, to take on a cargo of nuts. There we played in the large theatre while the ship was loading. Then we started for the North.

COMMON LAW AND THE COMMON WELFARE

BY WILLIAM B. MUNRO

FORTY years ago the most conspicuous failure in the American governmental system was the administration of our large cities. To-day, by common consent, it is the administration of the law. The breakdown in public confidence has shifted from the city halls to the courthouses. By so doing it has moved closer to the foundations of democratic government.

The problem of enforcing the law is the most urgent of all the problems now confronting the people of the United States. Almost any able-bodied citizen can give you, offhand, a simple solution for it — ranging from the repeal of the Eighteenth Amendment to the abolition of trial by jury. But a good deal of the trouble is far too fundamental to be eradicated by any such minor surgery. It reaches into the spirit of the laws themselves and is not merely a matter of law observance. Much of it is the outcome of a great and steadily widening gulf between the common law and the common welfare.

I

To keep the law in close articulation with the needs of the people, or with what the people think they need, is a task that calls for a high quality of statesmanship — a higher quality than a democracy can usually provide. It presents the problem of being conservative and at the same time liberal, thus reconciling order with progress. For on the one hand there is a mass of legal traditions and principles, delicately

adjusted to each other, which cannot be abruptly transformed without damage to the entire mechanism. On the other hand there is a fluid public opinion, not harnessed by traditions, an impatient electorate clamoring insistently for statutory provisions and judicial interpretations which defy all the principles of economics and disregard all the lessons of social evolution.

The layman does not realize that the traditions of the law are fundamentally conservative and must always be so if law is to continue an instrument of protection, not of oppression. There is a reason for this. Law in its early stages was the outgrowth of religion. Its origin was attributed to supernatural sources, and its principles, being of divine origin, were deemed to be immutable, eternal. The assumption of supernatural origin duly passed out of the picture, but the idea of fixity in legal principles has remained. It was worked into the fabric of the common law in its formative stages and it permeates the whole corpus of American jurisprudence to-day. Lawyers and judges everywhere are wont to look upon legal principles as absolute, and of universal validity, without variation as to time, or place, or circumstance. But the trouble with absolute principles is that they stand, while the social order which they seek to regulate is dynamic and progressive.

During the past thirty years we have gone through a social revolution in America, one of the greatest of its kind that have ever taken place within the

same length of time in human history. As respects our social outlook and economic ideals we are now a very long way from the turn of the twentieth century. But there has been no appreciable transformation of our legal framework or in our juristic conceptions during these three decades.

Faced with a multitude of new relations between man and man, the law has tried to meet this exigency by making some adjustment of its traditional formulas and by stretching its ancient rubrics to cover the new requirements. The result is seen in a great deal of public dissatisfaction, not only with the enforcement of the law, but with the substance of it. The rank and file of the people demand that the legal system shall fit the age, while lawmakers and courts are endeavoring to warp the age into consonance with doctrines of the law which grew up in earlier and far less complex times. The lawmakers and the courts are thinking in terms of sound principles, while the people are thinking in terms of the living generation's immediate needs. This gulf which lies between the legal mind and the public mind must somehow be bridged if the orderly rule of law is to be maintained in democratic communities.

II

This task is not an easy one at best. It is made more difficult by the fact that the common law, which is the basis of our legal system, developed its principles in days when conditions of life were far more elementary and human relations much less involved than they are to-day. It is jointly the product of rural England and pioneer America. It is a body of precepts, principles, and points of view devised for use in the English mediæval shire and duly adapted to the needs of frontier settlements in the United States.

Hence the most outstanding characteristic of the common law is its intense individualism. It lays great stress on individual freedom, individual obligation, individual liability. Its primary aim has always been to assure to every man a fair field and no favor, with free competition as its ruling economic slogan. Accordingly the common law takes it for granted that the best interests of organized society can best be served by letting John Doe and Richard Roe fight it out in the courts as individuals, with little regard to the fact that issues of the highest social import may be involved.

In pioneer agricultural communities this conception of a legal transaction as affecting two individuals only, plaintiff and defendant, is usually adequate. But in the highly industrialized and strongly urbanized social order of to-day it is not enough. The concept of a legal issue must envisage men in the mass, and the well-being of such men, not for themselves alone, but for their posterity. Legislators from time to time realize this need and strive to meet it. Thus the special statutes which regulate the hours of labor for women are quite as mindful of a future as of the present generation.

During the period since the incoming of the twentieth century the public mind in the United States has been slowly but steadily relaxing its emphasis on individualism and on individual rights. Our people are becoming more socially-minded, which is what always happens when a country grows up and gets rid of its youthful exuberance. The American public mind is now thinking more in terms of social justice and social righteousness, less in terms of individual freedom, free competition, freedom of contract, and the sanctity of private property, which are the four corner stones of the common law. This change of mind is being

strongly reflected in the increasing output of regulatory statutes, most of which are cutting loose from common-law principles and are setting up new obligations, new liabilities. The statutes which regulate the public utility companies, for example, the banks, the insurance companies, and the other economic enterprises which are deemed to be affected with a public interest — these statutes are roughly brushing aside the old common-law assumption that every able-bodied citizen is able to look out for himself.

Blue-sky laws have elbowed the doctrine of *caveat emptor* out of the way. Usury laws make it no longer needful for the borrower to beware. Perhaps the most conspicuous departures from the old landmarks of legal individualism are to be found in the workmen's compensation laws which have now been enacted in virtually all the states. These laws were needed, and only by enacting them could the ends of justice be served in this industrial age, but their provisions certainly cut a wide swath through the common law of contracts and the common law of torts as the nineteenth-century lawyer understood and admired them.

By the artifice of a statute the law can be stepped up into line with the more urgent needs of the social order when it is strongly pushed from behind — by organized labor, by organized capital, by any influence which can make itself effectively felt in the legislative chambers. But its settled tendency is to lag behind. New and significant developments in the methods and processes of industry, trade, and credit are taking place year by year; the tempo of economic progress is speeded up, and the relations of the individual citizen to his fellows are being gravely altered by these changes; but too often the laws of the land are following at a distance or not following at all.

III

Let me take a couple of illustrations. There is the law of suretyship. Its well-known doctrines were developed in days when the surety was almost invariably a neighbor and friend — some kind-hearted fellow who gave bond as a favor, without money and without price, and with no expectation of personal emolument. Moreover the legal relation of principal and surety, even fifty years ago, was a relatively uncommon one because business transactions in those days were concluded for the most part between persons who knew each other and who went on the confidence of personal knowledge.

The principles of the law of suretyship were adjusted to that situation. They treated the surety with tender consideration and rightly so, for he was a good fellow and deserved the law's solicitude. He might easily get into trouble and suffer loss through no fault of his own, and the law tried to protect him. So it made contracts of suretyship a sort of privileged order among contracts and gave the surety all manner of defenses which were not available in ordinary actions of contract. It stipulated, for example, that any alteration in the principal contract would release the surety from his obligations even when such alteration was to his benefit. It provided that any increase in the liability of the principal would release the surety. From somewhere in the back of my mind I recall a case where an increase in the capital stock of a bank was held to release the surety for the cashier. At any rate the law developed in such a way as to give the surety the maximum number of loopholes, which is what he deserved — good fellow that he used to be.

But now all this has changed. Contracts of suretyship have become about as common as any other kind of con-

tracts. Bonds are demanded and given in all sorts of transactions and for the faithful performance of all sorts of things. They have become so common, in fact, that personal sureties have almost wholly dropped out of the picture. The liability is now assumed, in ninety-nine cases out of a hundred, by regular bonding and surety companies who do it for a cash consideration without any element of personal favor in the transaction at all. By reason of this change in the essential relation there is no longer any good reason why contracts of suretyship should have a place of special privilege in the eyes of the law or the courts. Yet we are still in bondage to the old formulas. Neither the substance nor the interpretation of the law has been radically overhauled to square with the new realities.

Take another example. One of the most conspicuous changes in our business methods during the past fifteen years is represented by the extraordinary growth of installment buying. In some lines of business, such as automobiles, pianos, radios, and household furniture, a very large part of the total sales are made on conditional contracts with provision for weekly or monthly payments, with a vendor's right of repossession in the event of any default. It has been estimated that there is four or five billion dollars' worth of merchandise being paid for on the installment plan in the United States to-day. Unquestionably this system of 'pay as you use it' has become a fixture in the process of marketing, and on our next wave of business prosperity it is likely to be expanded to even larger proportions.

Now in connection with this method of selling goods under conditional contracts there has grown up a new marketing device known as the sales agency. Despite its name, the sales agency is not in truth an agency at all.

It buys outright and sells. The relation of a sales agency to its customers is merely that of vendor and purchaser. Yet the flavor of agency is also there, for a sales agency often has the exclusive right to handle certain goods in a designated territory; it is required to sell at fixed prices and it gives a warranty on behalf of its principal. Here we have, then, a curious jumble of relations in which somebody sells you merchandise as a principal but warrants it as an agent while holding the title under a conditional contract of sale with the right of repossession in the event of default.

We have a law of sales, and we have a law of agency; but we have developed no new set of legal principles fitted to the process which has come to play so large a part in the country's marketing system during the past dozen years. Jurists and courts have merely tried to stretch the old law of conditional sales to cover the new economic relationships. From the standpoint of economic justice and a square deal it covers them inadequately. It has given the sales agency a virtually free hand to make and enforce conditional contracts of a jug-handled type in which every opportunity for bald injustice is placed at the vendor's disposal. The seller keeps the title, but passes to the purchaser all the risks of ownership. These conditional contracts of sale are bought, sold, and bartered by so-called finance companies; they are pledged to banks as collateral; they are marketable securities, to all intents, and ought to be put under regulation as such. They represent a huge equity in personal property, owned by millions of installment buyers, but an equity to which the law has thus far proffered no special protection whatsoever. It has held to the old common-law doctrine that when a man makes a bad bargain he is assumed to have done it with his eyes open and

must take the consequences. That assumption is no longer valid in these days of high-pressure salesmanship by sales agencies of 100 per cent efficiency. Some day, before very long, the installment buyer will rise up and claim special statutory protection, just as the insurance policyholder, the bank depositor, and the factory worker have done.

IV

One might give further illustrations of the common law's obliviousness of great changes in the life of the people, more particularly in the case of changes due to the rural exodus and the migration of people into the cities. To take a palpable instance, there is its persistent adherence to the principle that a municipal corporation is not liable for the torts of its agents or employees if these happen to have been committed in the performance of a 'governmental' function. Hence a city or town remains immune from legal liability when injury to the person or property of an individual citizen is caused by the negligence or malfeasance of its employees in the police, fire, or health departments, or in connection with the schools, hospitals, parks, or even with its sanitary departments.

Whatever justification there may have been for this municipal immunity in pioneer days, when cities were small and had only a few employees, it seems out of harmony with present conditions in great urban communities which are pushing their activities into every branch of the common life and are maintaining on their pay rolls many thousands of governmental employees whose work comes into daily contact with the life of the citizen. 'Reason is the life of the law,' said Coke, but to the average layman there does not seem to be much reason in the rule that, when a truck belonging to the

city water department negligently does you damage, the doctrine of *respondet superior* applies and the municipal treasury is liable in damages, but that when a fire engine is at fault this doctrine does not apply, because the fire department is performing a governmental function and hence becomes by legal fiction invested with the sovereign privilege of knocking people down. From the standpoint of the injured individual it makes no difference to what city department the vehicle belongs. It is a curious fact, moreover, that although this doctrine that 'the king can do no wrong' originated in England, it has never been extended in England to municipal corporations. An English city is liable for the torts of its agents and employees, no matter what kind of work they are doing, whether it be governmental or quasi-commercial. The liability includes even the work of its police officers.

This difference in legal immunity may explain, in part at least, the superior efficiency of police personnel and work in the cities of Great Britain. The English city cannot afford to have malfeasance in its police establishment. The cost in damage awards to individual citizens would be too great. But the American city can afford to tolerate any degree of police inefficiency and ineptitude, for its mayor and council can rest on the assurance that the city is free from legal liability no matter how bad the situation may become. One of the first steps needed in the way of toning up the governmental departments of American municipal administration, therefore, is the statutory extension of legal liability to all of them.

V

Turn for a moment from the common law itself to the machinery which we have provided for its enforcement. Its

chief reliance, the jury system, is under fire to-day from many quarters, and every lawyer has his own explanation of what the trouble is; but may it not be that the real affliction is one for the social psychologist rather than for the lawyer to diagnose? It is a fact beyond peradventure, at any rate, that the whole character of the American population has altered during the past fifty years while the essential features of the jury system have undergone in this interval no change whatever. Can we fairly expect an institution to go on unchanged, unchanging, into a new environment and yet function unfalteringly? It is expecting a great deal.

The trial jury is an Anglo-Saxon institution, born and bred. It is intimately related to the genius of the Anglo-Saxon race, and in the course of five centuries it has never gained a secure foothold in any countries other than those in which Anglo-Saxon stock and traditions predominate. The jury system has been transplanted to Australia, ten thousand miles away, and has flourished there, but it has never been persuaded to take firm root in France, although England and France are geographically separated by only thirty miles of Channel.

Race and racial genius are to judicial institutions what soil and climate are to organic life—they determine whether things will grow and thrive. Hence the transplantation of the jury system to America was easily accomplished, and the jury functioned here without disclosing any conspicuous defects so long as the United States remained predominantly a land of Anglo-Saxon blood and inheritance. But during the last half of the nineteenth century great waves of immigration came, bringing many millions of aliens from lands where trial by jury had never existed and where the whole philosophy of the jury system was unknown. In

due course these newcomers and their immediate descendants came to form a large element in the national population. In most of our industrial cities they now outnumber the original stock; in some cases they far outnumber them. And it is in these communities that the jury system now gives the least satisfaction. It functions at its worst in those cosmopolitan industrial areas where the alien infusion has been most pronounced. In the native and rural portions of the country the jury is holding its own, but the combination of urban and alien is proving too much for it.

Now the essence of the jury system is that those who constitute the jury shall keep firmly in mind the interests of public security as well as the rights of the individual offender. When the prime interests of society are lost to view, or are inadequately considered, the whole philosophy of trial by jury loses its underpinning. Hence the jury system postulates, above all things else, a strong popular confidence in the social order, the state, and the government. Among men and women of Anglo-Saxon birth or heritage this zeal for the maintenance of public order is traditional. But the millions of immigrants who have come to America during the past fifty years have for the most part brought no such tradition along with them. They came to this country with no profound respect for the governments or courts which they left behind them. To most of these newcomers—Jews, Poles, Armenians, and Slavs—the state, the government, the law, and the social order in their own homelands were agencies of special privilege and barriers in the way of individual liberty. It has not been easy to re-orient these people, to break down the old aversions, and to make them realize that in America the reign of law and the even-handed administra-

tion of justice are essential agencies for the promotion of individual liberty.

But though this educating of the masses to an appreciation of their own individual interest in the public security is a difficult task, some way to accomplish it must be found. The jury system, in spite of its varied shortcomings, must be preserved as an integral part of our judicial mechanism. It must not only be preserved but strengthened, for quite aside from its other merits the value of the jury as a connecting link between law and public opinion is too great to be lost.

VI

In a highly developed industrial society such as we have in twentieth-century America the law should not be, and cannot be, a thing apart. Laws do not function in a vacuum. They must be related to the spirit and the needs of the hour. Most lawmakers do not yet realize that the making of the law is the greatest of all the social sciences. Progress in the natural sciences during the past fifty years has been by means of research, and the progress of jurisprudence must be by that method also. Otherwise we shall continue to have that strange spectacle which the world is querulously watching in Chicago to-day — namely, some of the finest industrial technique and some of the worst judicial administration on the face of the earth, both operating side by side.

Every new application of science to industry makes our civilization more complex, and hence makes the art of legislation more difficult, for the difficulties of efficient lawmaking increase as the square of the newly created human relations. To be safe, the progress of the law ought to go faster than the advance of applied science, but unhappily it is doing nothing of the kind. If the great expounders of the law in

earlier days — Marshall, Taney, Kent, and Story — were to rise from their narrow cells and survey the handiwork of their posterity, they would be appalled by the stupendous progress that we have made in industry, in transportation, in communication, and in material wealth. But would they be equally impressed by any improvement in the quality of the laws or in the methods by which the laws are administered? To ask that question is to answer it.

Our immediate goal, therefore, should be to bring the law abreast of the newer developments in business, in government, and in social organization. In place of the old formulas we should seek to find concepts that will stand the test of actual operations, and on these we should begin to rebuild with an eye on the realities of everyday life. Lawyers and judges cannot do this alone; they must have lay coöperation. But lawyers must assume the leadership in any upbuilding of the law, for if the progress of the law is to be securely founded it must link itself with the past. Lawyers form the largest element in legislatures, and through their recruiting of the bench they control the spirit of legal interpretation. The legal profession is conservative, traditionally and necessarily so — I would even say fortunately so, for a democratic society needs a strong stabilizing force such as the members of the bench and the bar supply. The legal mind puts its stress on *order*, while the lay mind lays its emphasis on *progress*. Far from being antagonistic, however, these two are quite reconcilable. There can be no sound progress unless it is built upon order; and there can be no sure maintenance of order unless it permits and facilitates progress. To co-ordinate these two is the fundamental task on which both the makers and the interpreters of the law may well bestow their energies.

THE CONTRIBUTORS' CLUB

THE PATRIOT MALGRÉ LUI

DEREK and Ronnie are twins. Their father was a British officer and their mother a nurse, and the two of them constitute the one souvenir of the war that has not yet lost its interest. All the rest, — tin hats and revolvers, trench maps and army orders, *Times* broadsheets and a copy of the *Peninsula Press*, a few medals, and the sword that never did anything more useful than cut wedding cakes, — all have become mere impedimenta, shrinking at every trek of the small family. But Derek and Ronnie keep the war problem up to date.

They timed their arrival for the fall of 1918. Londoners, as to the manner born; but of what a London they were citizens only vague memories hint, for at the age of three they came to America.

And of all countries for boys to be happy in, commend me to God's own. Its land is a boy's land — full of undefined possibility, with no need to be tidy or careful about anything. Its pleasures are boys' pleasures — motion, things happening, doing something, going somewhere. Its public life is gregarious boyhood writ large; nowhere will you get so swift an insight into the national psychology as in watching a crowd of boys at play. Its heroes are boys' heroes — naïve, visionary, arrogant, brutal. Not always in life, perhaps (though these qualities may all be virtues in their time and place); but read its fiction — read what Derek and Ronnie read. And watch the movies.

And now they are to return to Eng-

land. A process rather of instinct than of deliberation has dictated the break-up of the family, the dispatch of Derek and Ronnie in quest of some obscure good that is not to be had here. And now that the decision is made, it seems worth while to try to put into rational terms the feelings that have forced it.

Were their father the bull-necked patriot of current mythology, there would be no problem. No question could then arise as to the comparison of values. But their father was a heretic at Cambridge, a congenital free lance in the army, politics, and the civil service, to whom America has brought the happiest and best years of his life, with fair promise of more to come. Moreover there can be no question, so far as reasonable foresight can determine, but that the boys' careers must lie either in North America or in Soviet Russia. That is surely obvious enough to need no arguing. Further, to turn them into little English public-school gentlemen is certainly no part of the intention. That type, admirable as it is and has been, becomes increasingly an anachronism: its qualities less and less relevant to the civilization of the twentieth century, its limitations more and more conspicuous — even in England. What, then, can be those things in which America as an educational environment is deficient and England preferable?

Let me attempt to set them briefly in order.

First, a very simple definite fact. Derek and Ronnie need men to teach them — all-round, well-bred, satisfactory men. On an income of less than

five thousand a year they cannot have that in America. And the more I think about it the more important seems that consideration. The school-teacher represents the world to the child — this world, not the Kingdom of Heaven: its problems, its pressures, its demands, its opportunities. Women cannot do that, and it is not altogether a father's job, either. His rôle is to give some human imitation of the providence children nowadays resolutely refuse to seek in the empyrean: the sort of providence one sees in *Outward Bound* rather than in the Old Testament (there is none in the New). As I have seen it these eight years, American fathers put up a pretty good stand at this end of the wicket; but the woman-ridden educational scheme has consequences on which much — some of it quite unsavory — could be written.

Next comes the historical sense. Now this is very likely prejudice. I suppose it is unreasonable to expect the historical sense in a nation founded on a revolution and with a population density only one twentieth that of England. At all events, it is lacking. The lack of it possibly makes for strength in certain spheres (diplomacy, despite much to the contrary, is not one of them); but it does not make, anywhere, for understanding. Even if one allows the American assumption that there are many things in the world it is simply not worth while for an American to try to understand, the fact remains that no American institution of importance — from football to the gold standard or the labor injunction — can be understood without a due sense of historical process. I say 'sense' advisedly; for it is a matter of feeling as much as of thinking or knowing, something acquired as much from the speech and manners of people as from things seen or read in books. In it, or near it, lie the roots of culture, tolerance, pa-

tience — all those qualities which constitute wisdom in human affairs.

One more specific deficiency — and it is with deficiencies, be it remembered, that I am solely concerned. I doubt whether anywhere in the United States the elements of self-expression are taught effectively: handwriting that has speed, legibility, and character; grammar, scope, and accuracy in the use of words. Derek and Ronnie have been undergoing a 'progressive' education in which very much value is put on self-expression; but they have not acquired these rudiments of it, and their English runs distressingly to clichés and stereotypes. The explanation, it seems, is twofold. Adequate expression in any medium demands meticulous care in training and long practice, involving some drudgery, under discipline. The progressive educators, with their reliance on spontaneity, are up against an insoluble paradox in this matter. But there is a second and more fundamental cause of failure. Adequate expression — adequate in the European sense — is literally not valued in America: neither by the teachers who are supposed to impart it, nor by most of the writers who are supposed to have acquired it. Neither for esteem nor for cash is it a *sine qua non*. The result is that in the vast majority of schools serious effort in this direction has been openly abandoned — and with it the last defense against the commercialization of what should have been the cultural life of America.

Now comes a broader issue — the question of character. To set down quite naïvely the deficiency that needs making good — well, the word that comes to my mind is 'soft.' This is perhaps surprising: softness is not commonly considered an American trait, least of all just now. In trying to explain, let me say that the cue comes

straight from the behavior of Derek and Ronnie, though I am going to state the matter in broader terms.

It is the natural outcome of the American environment. Most of the problems that arise in the American scene have been — ostensibly, at least — essentially simple, to be solved — again ostensibly — by a vigorous application of techniques that are also simple. The vigor of the application has been a substitute for the elaboration of the technique. In reality, the problems have perhaps not been — certainly are not now — at all simple, and the solutions have proved only pseudo-solutions; but so ample is the margin in every direction that things have got along passably none the less.

Take any major issue of American affairs from Roosevelt to Coolidge, and the same tendencies reveal themselves — a tendency to treat all problems as either simple in their elements or capable of drastic simplification, and a habit of tackling them by a vigorous application of techniques that are really quite rudimentary. The result is what I call softness — an indisposition, or an inability, steadfastly to face situations that will by no means admit of this simplification, and an indisposition, or inability, to apply techniques of finer temper and greater subtlety. Under the apparent vigor lies this essential weakness — a weakness that has been many times manifest in the past thirteen years.

Now take Derek. Derek has acquired the technique of success in American boydom. He puts on a big sweater and an aggressive manner, 'bums around' with the gang, can say, 'Is that so?' with the special intonation attributed to police and gunmen (I'll wager Elizabeth's England was full of such expressions) — and most of the time he gets what he wants. That is

because the things he wants are pretty much the same as what the other fellow wants, and the other fellow instinctively understands the simple technique by which they are to be acquired. Whether it works on the particular occasion or not, the result is never a fiasco, and Derek's self-esteem is seldom injured.

But with Ronnie it is different. Ronnie likes curious detail and the discovery of the unusual. While Derek pounds away on the piano, Ronnie prefers the sound — and the movement — of his violin. The things Ronnie wants are largely what the rest do not want; they do not fit into the accredited technique, and Ronnie cannot go after them without implying — however unconsciously — an adverse judgment on the gang values. The result is that a good deal of the time Ronnie is relegated to younger children, or solitude, or the grown-ups. And the mischief is that Derek, Ronnie, and most other people are convinced that Derek is the stronger. To all appearance it is so; but in a trying situation Ronnie will be going strong, quietly and evenly, long after Derek's vigor and morale are exhausted.

Now this is good for neither of them. Left alone, Derek will grow up in the secure self-esteem of his pseudo-strength, unaware — until too late, perhaps — of its limitations. And Ronnie, even if his self-esteem does not suffer by the prevalent objectification of an inadequate scale of values, will have the handicap of a constant psychological tension which may eventually weaken him to the point of a colorless submission or a painful subjective confusion. For both of them the final result will be some failure of potential capacity.

I am not saying that this situation would not arise anywhere else, though its terms would not, in contemporary

Europe, be so simple or emphatic. Even in boydom, social techniques are not as rudimentary. But there is the added advantage of a plunge into a world of different values, the effort to adapt and to understand. And there, from a parental point of view, lies the root of the matter.

Personality itself is perhaps just a bundle of valuations; however tattered and out-at-elbows it may be, we have no choice but to cherish it. To the stay-at-home or the tourist, other lands are necessarily just foreign countries — more or less interesting spectacles devoid of inner meaning. That is why they pall so rapidly. If England is to be more than that to Derek and Ronnie, the time is now or never. What it is all about, what fragment of eternal meaning it may have uttered, may not be, from a strictly utilitarian point of view on American soil, a very important matter. But the expatriate has no choice of opinion; and the rest is perhaps, after all, mere rationalization.

There is one risk involved in the success of the somewhat costly experiment: the risk that Derek and Ronnie may have, in a certain sense, no fixed home anywhere. But is not that, since the war, the fate of all us Europeans?

THE TITLE PROVOCATIVE

POETS have always had difficulty in getting their poems read. But the poets of the past had the advantage of a device which to-day is seemingly unknown: the Title Provocative.

Take, for instance, Cowper's celebrated caption: —

To Mrs. Newton, on receiving a barrel of oysters
No one with a spark of curiosity could encounter this title without wishing immediately to read the poem, for, aside from the obvious question of

why Mrs. Newton chose this particular delicacy as a gift to a poet, one feels a not unnatural concern for the condition in which the oysters arrived. It is the same concern that instinctively prompts one to wonder what happened to the fish in Gray's lesser elegy: —

Ode on the death of a favorite cat, drowned in
a tub of goldfishes

Both Cowper and Gray, being keen psychologists as well as poets, were fully cognizant of the power of human curiosity, and, we may be sure, left little details of information out of their titles purposely. Another example of Cowper's art, and one, by the way, also apropos of dumb animals, is this: —

On a mischievous bull, which the owner of him
sold at the author's instance

No unresolved musical cadence ever dangled more tantalizingly in the air than this inescapable question: What mischief did the bull do?

But for the following achievement nothing short of the canniness of a Scotsman would suffice: —

The death and dying words of poor Mailie, the
author's only pet yowe

The reader of Burns unfamiliar with the Scottish dialect is left in delicious and half-scandalized uncertainty as to whether the 'yowe' is a dumb animal or something slightly more human — that is, until he satisfies both curiosity and conscience by reading the poem.

Wordsworth had the same knack in a high degree. Note the quiet suppression of information in this title: —

On a celebrated event in ancient history

Almost anybody would nibble at that bait; but even the most obdurate reader could not resist the title next following: —

Upon the same event

This, we make bold to say, is probably the most maddening title in the history of English verse.

Wordsworth is also capable of a thing like this: —

Extempore effusion upon the death of James Hogg

The ordinary man, little acquainted with poetizings and still less so with extemporizings, is completely stumped to know (until he investigates the poem) just what an extempore effusion on such a subject would be like. And he is even more puzzled by the problem set by the chesslike complication of the following: —

Lines composed at Grasmere, during a walk one evening, after a stormy day, the author having just read in a newspaper that the dissolution of Mr. Fox was hourly expected

Very cleverly, you see, Wordsworth piles one detail on another and then — omits the date of the newspaper.

Candor is conspicuous in this confession by another poet: —

On revisiting the seashore, after long absence, under strong medical recommendation not to bathe

Did he or did he not disobey the doctor's orders? Well, reader, if you are determined to know, you can find the poem in the Complete Works of Samuel Taylor Coleridge, and, should you not happen to possess said works, you can find them in any large library or well-stocked bookstore. And if, in addition to this, you are still eager for more medical information, say,

On the benefit received by His Majesty from sea-bathing in the year 1789,

you are invited to consult the index of the Complete Poetical Works of William Cowper and, having found the above-quoted title, to turn to the like-named poem. Even then you will probably not rest until you have con-

vinced yourself that Coleridge and His Majesty either were or were not suffering from the same bodily affliction.

Nothing, however, can whet curiosity like a touch of scandal. What could be more intriguing than this little masterpiece of sedate anonymity by Coleridge?

On a connubial rupture in high life, 1796

(Coleridge omitted the month and day so that the title might not be a dead give-away.) Or consider the possible overtones of the same author's touching address

To an unfortunate woman whom the author had known in the days of her innocence.

Who with any humaneness in his heart could turn from this title without making certain just what misfortune the poor woman was suffering from? For pathos and the power to arouse solicitude it can be matched only by a third expression of Coleridge's genius: —

Lines on a friend, who died of a frenzy fever, induced by calumnious reports

What, what were the reports?

And now, lest I exalt the poets of the past to too high a pedestal and the reader suppose that they were unfailingly clever and provocative, I add one title that is frankly a failure: —

On the death of Mrs. Throckmorton's bullfinch. 1788. (It was eaten by a rat)

Probably we shall never know why Cowper added the parenthetical detail. He may have momentarily forgotten himself and thought he was writing the poem and not the title. In any case, what could be less provocative than to be told in so many words exactly how Mrs. Throckmorton's bullfinch died? After that who would bother to read the poem?

THE CONTRIBUTORS' COLUMN

Mazo de la Roche will be affectionately remembered by *Atlantic* readers as the author of *Jalna* and *Whiteoaks of Jalna*. Δ Educated at Cambridge and the University of London, **William Orton** served as an officer in the British army during the World War. Later he spent three years in the Ministry of Labor and in 1922 came to America, where he is now Professor of Economics at Smith College. **Richard Shelton Kirby** is Associate Professor of Civil Engineering in the Sheffield Scientific School at Yale.

A grandson of Thomas Huxley, **Julian S. Huxley** is well known for his distinguished work in the biological sciences. His most recent book is *The Science of Life*, written in collaboration with H. G. Wells. Δ As a practising lawyer at Lancaster, Pennsylvania, **F. Lyman Windolph** has acquired a first-hand knowledge of country justice. **Margaret Wilson** is an American novelist living in London. Her *Able McLaughlins*, published in 1923, won the Pulitzer Prize for that year. **Reinhold Niebuhr** lectures on the philosophy of religion at Union Theological Seminary and edits *The World Tomorrow*. **Ken Nakazawa** is in the Department of Oriental Studies at the University of Southern California and has recently organized a Japanese section in the Los Angeles Art Museum. **Samuel Spring** has practised law in California, Massachusetts, and New York, where he has gathered a wide range of knowledge concerning the methods of financing industrial and commercial operations. Δ Thirty years as headmaster of Middlesex School in Concord, Massachusetts, have given **Frederick Winsor** decided opinions about boys who should go on to college and those who should not. **Edward C. L. Hemsted** is a British novelist who makes his home in Switzerland. He has traveled widely in the Far East; at one time he was tutor to the sons of the Japanese Emperor.

Paul Doncoeur, a distinguished member of the Society of Jesus, is Associate Editor of *Les Études*, Paris. During the war he

served as a chaplain in the French army and was an intimate friend of Marshal Foch. **Lawrence Sullivan** is a seasoned Washington correspondent. Δ An inveterate critic of unscientific fallacies, **T. Swann Harding** has contributed numerous articles to numerous magazines, both lay and professional. Δ As a trapeze performer in a traveling circus, **Jay Zarado** has visited the far corners of the earth and taken part in many strange adventures. To risk her neck in the big top was all in the day's work until a prosaic automobile accident sent her into enforced retirement. **William B. Munro** was Professor of History and Government at Harvard from 1920 to 1929; he now holds a similar professorship at the California Institute of Technology, Pasadena.

While the January issue containing William Orton's article, 'The Level of Thirteen-Year-Olds,' was still on the news stands, the Columbia Broadcasting System unwittingly submitted documentary evidence to support Mr. Orton's indictment of the radio. The evidence came in the form of a release 'to 1400 newspapers' and was accompanied by a blurb which read: 'Hundreds of stories each week cover the high points of Columbia scoops-on-the-air — each of them *news*. The press release attached is one of the interesting flashes of the week. It is sent to you, first because it's news, next because it's Columbia . . . doing a job.' And this was the job: —

The first international beauty broadcast will come from Paris to the WABC-Columbia audience at 10.45 A.M., E.S.T., Thursday, January 29, when Barbara Gould, American beauty expert, formally opens her new Parisian salon. . . . The opening of Barbara Gould's Paris salon will mark the first of a series of American beauty centres. She plans to establish her headquarters in Lausanne, Zurich, Berlin, Vienna, Prague, Budapest, and London.

Miss Gould believes that, although Continentals pay a great deal of attention to beauty, they are more concerned with their clothing than complexions.

Miss Gould likewise contends that there is an increasing number of American tourists who want American beauty methods, even abroad. French

cafés feature ham and eggs, British bartenders know a Manhattan cocktail, and she says there seems to be no reason why American complexions should not be accepted as well.

In defense of thirteen-year-olds.

BALTIMORE, MARYLAND

DEAR ATLANTIC, —

Someone ought to reply to Professor William Orton and show him up for the mental thirteen-year-old that he is himself. He has devoted a great deal of thought to the subject of radio. Granted. He has read to a certain extent, though in a flippancy way. He has talked with persons 'on the inside.' He subscribes to the *Listener*, price thruppence. Perhaps he possesses the BBC Year Book for 1931. If he has the 1930 book, let him turn to page 231 and learn something. Let him turn his dial intelligently and patiently and, I might add, industriously. Let him put in from four to six or even more hours every night, let him 'call the roll' from coast to coast and from 50 watts to 50 kilowatts, and he will have more respect for this great medium of communication.

He will be even more depressed than he now is at the way it is being so grossly abused by so many selfish and ignorant persons; but at the same time he will perceive what our cultural leaders are trying to accomplish and will be encouraged by the progress that has already been made. And the public, that great proletariat of Binet-Simon thirteen-year-olds, is a factor that cannot be disregarded. If for no other reason, it deserves consideration just because it makes radio financially possible.

I should like to ask Professor Orton how much he has contributed in a constructive way toward the improvement of radio programmes. How many times has he telephoned or written to a station with a word of praise? How many times has he complimented an artist or speaker upon his efforts to give pleasure?

Professor Orton, you, and others like you, can do a great deal to help bring about the improvement in programmes that you want. Write letters, plenty of them. And instead of finding fault with what you don't like, praise what you do like. Get back to your dialing and don't be so highbrow. There are lots of programmes that do not interest me, but I don't sneer at the people who like that sort of thing.

My idea about the whole matter is this. First encourage the greatest number of persons to use their radios extensively. Then gradually lead them into an appreciation of the best. And if there still remain a considerable number who don't want to be uplifted, why worry? The ability to interest persons of a mental age of thirteen years in useful knowledge is genius of a very high order. The broadcasters are doing it and doing an increasingly better job as time goes on.

Very truly yours,
C. M. FALCONER

Bureaucracy at its transcendental best.

BRYN MAWR, PENNSYLVANIA

DEAR ATLANTIC, —

Notwithstanding the devastating truth of Lawrence Sullivan's article on the Great American Bureaucracy, there is at times a higher intelligence in the government departments than appears to the ordinary citizen.

For instance, I was Engineer of Water Works and Sewers, or so-called Municipal Engineer, at Panama and Colon under the administration of the First Isthmian Canal Commission. Local initiative of hiring and firing being taken away and transferred to Washington, I made application for three pipe-laying foremen. Washington sent down three men who turned out to be respectively a drug clerk, an undertaker, and a tombstone cutter.

But my wrath and dismay turned into admiration for bureaucratic foresight, for the introduction of non-immunes brought back the yellow fever, and my drug clerk, undertaker, and tombstone cutter proved indispensable.

Very truly yours,
CARLETON E. DAVIS

Bureaucracy at its blundering worst.

HARRISBURG, ILLINOIS

DEAR ATLANTIC, —

Lawrence Sullivan's article on 'The Great American Bureaucracy' in the February *Atlantic* interested me exceedingly for two reasons, the first of which is that I have my own little incident to add to the amusing spectacle of a bureaucracy that lacks all intelligence and humor. On June 14, 1918, I was slightly wounded in action on the Western Front. Under date of May 17, 1919, about ten days after I had returned to my Illinois home, the War Department solemnly and officially notified my parents that I had been wounded, that it was not serious, and that they hoped I would soon be out of the hospital. This letter I still have in my possession for anyone who doubts the truth of the story.

ROSCOE PULLIAM

All large bodies move slowly.

FARGO, NORTH DAKOTA

DEAR ATLANTIC, —

Mr. Sullivan's picture of Washington is so regrettably true — but I wonder if he ever tried to get an erroneous bill adjusted at any local gas office?

CHARLES E. KELLOGG

A correction of detail which does not alter the general charge.

WASHINGTON, D. C.

DEAR ATLANTIC, —

Mr. Lawrence Sullivan's genial article opens fire upon the foibles of Washington officialdom in a charming and diverting fashion. It is to be regretted

The "Teen Age"



© 1931 M. L. I. CO.

LOOK at that fine boy of yours, brought safely through childhood ailments. Now, as he enters his "teens", while he is still growing, he must build his health to guard against tuberculosis—a mortal enemy of those in run-down condition.

Adolescence is a critical age in physical development. It is a period of special strain—when growth and change are rapid—and when health and strength must be kept at the highest possible point.

Your boy may be tempted to over-tax his strength and undermine his vitality by striving to compete with older and stronger boys. Or your daughter may risk her health by too much social activity added to her school work, or by dieting in an effort to keep slender in emulation of some screen celebrity. Low vitality and under-nourishment make boys and girls especially susceptible to tuberculosis.

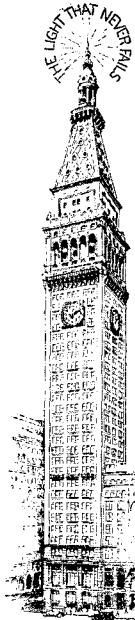
During the early "teens" the development of tuberculosis of the lungs is usually so slight as to cause none of those familiar symptoms of the advanced

stages of the disease—loss of weight, lack of appetite, indigestion, fatigue and a persistent cough. The first symptoms in adolescence may be listlessness, overtiredness, failure to gain weight, night sweats.

But in the late "teens" or early twenties, in event of low vitality, tuberculosis germs—especially in case of re-infection or heavy infection—gain headway. The tuberculosis deathrate reaches its peak among women at about age 22 and among men at about 42. Many of these deaths can be prevented.

Perhaps during no age in life are annual physical check-ups more important and valuable than during adolescence. And should you have any reason to suspect the presence of tuberculosis, consult your doctor as to the advisability of having the tuberculin or x-ray tests to find out whether or not your boy or girl is threatened.

The Metropolitan Life Insurance Company will gladly mail, free, to anyone who requests it, a copy of its booklet, "The Care and Prevention of Tuberculosis." Ask for Booklet 431-T.



The Metropolitan prints this message to aid in the intensive April campaign of the National, State and local Tuberculosis Organizations to safeguard boys and girls in the "teen age" against tuberculosis.

METROPOLITAN LIFE INSURANCE COMPANY
FREDERICK H. ECKER, PRESIDENT ONE MADISON AVE., NEW YORK, N. Y.

that the humorous touch and disarming note that marked the opening of this paper were not sustained throughout. For under comedy we can forgive much that is not accurate. But when Mr. Sullivan doffs the mask of buffoonery to play a didactic rôle he assumes certain responsibilities and his readers are entitled to factual veracity at least. Thus, in behalf of a good story, we can treat with an indulgent smile the errors of attributing to naval dignitaries the parrot decisions of 1929. For it would have spoiled this yarn to let out the fact that such quarantine measures are the function of the public health service, and that consequently the 'Admirals' referred to really had very little to do with the destiny of parrots aboard government vessels.

It is regrettable that Mr. Sullivan experiences so much difficulty with the Washington telephone book. From certain of his statements it is apparent that he has the same difficulty with encyclopædias and other sources of information.

Categorically, it is untrue that the Navy occupies a building a quarter of a mile long. What Mr. Sullivan has in mind, no doubt, are the two temporary buildings connected by a ramp now occupied jointly by the Army, Navy, Shipping Board, and Park Commission. However impressive as a portrait of bristling militarism it may be, the approach to the Secretary of the Navy's office is not as described by Mr. Sullivan. Therefore, should you ever have occasion to call upon the Secretary of the Navy, you will *not* be greeted by an armed Marine guard. Nor will there be any fixed bayonet waiting to disembowel you.

In closing may I quote the following from a fairly recent memorandum of the Secretary of the Navy:—

'It is directed that when a Senator, Congressman, Government official or any other person entitled to especial courtesy shows enough interest in any case either to telephone personally or to call personally in the Department, the officer or clerk to whom the first call is made shall make every effort to see that the person calling obtains the desired information or is escorted, if necessary, to the office having cognizance of the matter of interest.'

C. G. MOORE
Lieutenant, U. S. Navy

The Anglican position.

GRACE AND ST. PETER'S CHURCH
BALTIMORE, MARYLAND

DEAR ATLANTIC, —

I have read, with some care, the article which appeared in the February issue by Dean Robbins of New York. It reminds me of a story which I heard somewhere, and which I have often told.

Two vestrymen of an Episcopal church were standing on the platform of a suburban station somewhere in Long Island. On the other platform they saw the rector of their own parish, engaged in conversation with a lady, and gesticulating very violently. The one vestryman asked, 'What is the

matter with the rector?' The other shrugged his shoulders and replied, 'He is engaged in explaining the Anglican position to a deaf woman.'

ROBERT S. CHALMERS, *Rector*

Two contrasting views of the same thing.

MONASTERY OF THE LITTLE PORTION
MT. SINAI, L. I., N. Y.

DEAR ATLANTIC, —

Your welcome February face has just come and was partly enjoyed last night.

Let me thank you from the bottom of my heart for the outstanding essay from Father Robbins, 'Episcopalians and Their Neighbors.' It is indeed a forecast of spring to find an article so truly Catholic and so free from what might be well called Catholic Sectarianism. As an active member of the Anglo-Catholic party, I find it very hard at times to overcome a great sense of disgust at what is very near a worship, not of either God or Our Blessed Lord, but of the outward word and shell of Catholic form, which, as Father Robbins says, are 'quite unauthorized interpolations borrowed from Rome.' I have no ill feelings about 'Rome,' as she has a full right to do as she sees fit; but there are still a few of us left who much prefer London.

J. COOPER REEVE
Order of St. Francis

PHILADELPHIA, PENNSYLVANIA

DEAR ATLANTIC, —

I wish to make a strong protest to your publishing the article by Dr. Robbins, entitled 'Episcopalians and Their Neighbors.' I protest not because I disagree with the reverend doctor (though I profoundly disagree), but because in thus opening the pages of the *Atlantic* to such controversial material I see an initial atrophy to the magazine's true usefulness.

A magazine of general reading has no right to open its columns to a matter of controversy within one communion. It misleads the average reader, who will suppose that there are great unrest and greater strife within the Church. Such is not the case. We have religious papers that cater to the different 'schools of thought' and such an article belongs in such a paper.

I object (you see, I am also somewhat of a protestant) to the article because the reading public, informed that Dr. Robbins is a professor of the General Theological Seminary, will therefore conclude that the reverend doctor is therefore fitted to speak on the subject. I would call your attention to the fact that the article deals with matters of history and theology, and to the further fact that the reverend doctor occupies a chair in neither of these subjects.

I object to the article because the reverend doctor takes as the base of his thesis a statement signed by thirteen priests (at least they were so ordained) of the Church and implies that that statement was revolutionary; while as a matter of pure fact there is not a bishop or priest within the Church who would not sign that statement.



THE MAUVE DECADE'S GOLDEN GIFT

THE MAUVE DECADE was not all "pink trying to be purple." In soap, it was the Golden Age. For it gave to America Fels-Naptha, "The Golden Bar with the Clean Naptha Odor."

Fels-Naptha was a new kind of soap. It offered, not "just soap" but good golden soap combined with plenty of dirt-loosening naptha. It gave two washday helpers in one generous bar. And maybe women didn't cheer the arrival of this *extra* help! Even in these ultra-modern days, they welcome it.

It's easy to see why. When Fels-Naptha tackles the wash, two cleaners get to work, busily, hand-in-hand. Even stubborn dirt disappears, quickly. There's no hard rubbing to wear out the clothes, or try the patience of the laundress. The clothes go to drawer and linen-closet clean clear through—white as snow and sweet as clover.

There are no "ifs" or "buts" about Fels-Naptha's *extra* help. It is the same honest, willing worker in hot, lukewarm or cool water; in washing machine or tub.

And it helps keep hands nice—a point every woman appreciates.

Put Fels-Naptha on tomorrow's grocery order. Once you've seen what its *extra* help can do in washing clothes, you'll be very thankful to the Mauve Decade for its Golden Gift—Fels-Naptha.

Special Offer—Whether Fels-Naptha has been used in your home for years, or whether you have just decided to use it yourself or have your maid try it, we'll be glad to send a Fels-Naptha Chipper and a sample bar of Fels-Naptha Soap. Many women who do their own housework prefer to chip Fels-Naptha into washing machine, tub or basin, and find the chipper handier than using a knife. With it, and a bar of Fels-Naptha, anyone can make fresh, golden soap chips (that contain plenty of naptha!) just as they are needed. Mail coupon, with four cents in stamps to help cover postage, and we'll send you the chipper and sample bar without further cost. Here's the coupon—mail it now!

© 1931, FELS & CO.

FELS & COMPANY, Philadelphia, Pa. Q.A. 4-31

Please send me the handy Fels Naptha Chipper and the sample bar of Fels-Naptha Soap offered in this advertisement. I enclose four cents in stamps to help cover postage.

Name _____

Street _____

City _____ State _____

Please print your name and address completely

I object to the article because it is unfair. The reverend doctor continually quotes the Articles of Religion as his authority, while neither priest nor layman in the Church is asked to believe the Articles, and while he and almost every priest in the Church denies most of the Articles — except certain ones he wishes to believe.

I object to the article because the reverend doctor states that the Church denies the validity of non-episcopal ministries of the Word and sacraments of Christ. This is not true. The Church does not deny the validity of non-episcopal ministries. The Church simply says that unless one has episcopal ordination one is not a priest and therefore cannot do what only a priest can do.

I could protest tandem, but you may feel that already I, who believe myself to be a priest of the Holy Catholic Church, have already overemphasized my protestantism.

CARL I. SHOEMAKER

Rector, the Annunciation Episcopal Church

Several loyal sons of Iowa have written in to protest against Frank H. Vizetelly's statement in his February article that the correct pronunciation of the name is 'I'oway, not I'owah.' Even a few 'outlanders' have been moved to question it, and one of them, Mr. Henshaw Ward of New Haven, Connecticut, wants to know 'whether the "I'oway" that Mr. Vizetelly recommends is due to carelessness of a proofreader.' To clear the proof-reader and cite his own authority, Mr. Vizetelly has traced the genealogy of the word back to its Indian origins:—

The story of the word 'Iowa' belongs to the State. The Iowas were a branch of the main group of a Southwestern Sioux tribe which received the name of 'Paheja,' or 'Gray Snow,' which they retained, but they were known to the white people by the name of 'Ioways' or 'Aiaouez.' Now this name was spelled phonetically in both cases — one for the guidance of the English-speaking people, and the other for the guidance of the French-speaking people.

In 1689, the spelling 'Aiaoua' was that used in American literature, and is to be found in Perrot's *Memoirs*, page 196. The form varied at that time, and the plural was given as 'Aiaouais' and 'Aiaouez.' In 1702, Iberville used 'Ayooné's' (the acute accent, as you know, gives the word the sound of *e* in 'they'). By 1731, 'Ayooouais' was used by Beaulharinois and Hocquart, but varied in 1761 to 'Aiaouway,' a form to be found in the *Journal* of Lewis and Clark. In the following century (1804) 'Aieways' was used, and 'Aiewais' was used by Pike in his *Travels* (1811), but in 1810 we had 'Ioway' as a variant. In 1824 'Iawas' and 'Iaways' were used, and in 1825 'Ihoway,' which latter form is to be found in the Senate Document #21 of the Eighteenth Congress, Second Session. The forms current in 1848 were

'Ayauais' for the plural, and minus the *s* for the singular, and 'Ioway.' By 1858 the name took the form 'Ayeouai' in the singular, with an *s* in the plural, and in 1905 'Iaways.'

Whether or not the State Legislature will finally decide upon the pronunciation of its own State name, which it certainly should do, is a matter that must be left to the future.

The geography of R.

DEAR ATLANTIC, —

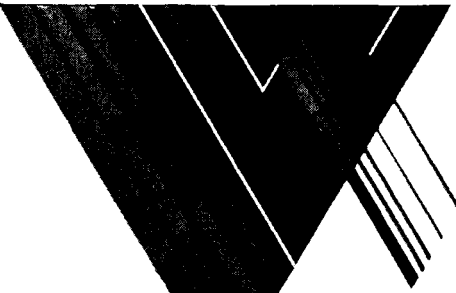
Dr. Vizetelly's article in the February *Atlantic* awakes some responsive chords in my mind, but in some respects it jars. As a Boston man I have always been a little amused at the complacency with which the Westerners congratulate themselves on sounding all their *r*'s, as if that proved they were more careful in speech than New Englanders and the English. We can assure our critics that we are quite content with our treatment of the letter *r* and see no more necessity of pronouncing it in the word 'park' than of pronouncing the *l* in 'talk.' Probably our ancestors sounded the *l* in 'talk,' 'walk,' and 'chalk,' but their descendants have learned better — and some of their descendants have improved on 'park.'

In other words, careful speakers in England and in New England prefer to elide the *r* before a consonant. The sound is more pleasing to them than the nasal turned *r* of the West. I call it a turned *r* because it is produced by turning up the tip of the tongue. It is not the trilled *r* that Dr. Vizetelly would imply that New York and the West have in common with Scotland and Ireland, which is produced by sending a swift current of air over the upper surface of the tip of the tongue. Many of us who dislike the Western *r* are captivated by the burr of the Scotsman. I enjoyed hearing it in Edinburgh last summer. And when I got to Paris I found still another *r* in use by the Parisians — the uvular *r*. And of course the Parisians abhor the trilled *r* of the South of France. Here are four ways of treating that one letter, and how can we say that any one of them is right to the exclusion of the others? We can only hope that our friends in New York and the West will be broad-minded enough to respect our choice!

But there is still another way in which the letter is pronounced, — or mispronounced, — and for this I can see little excuse or defense. I mean the New York way — the *r* with that curious *i* sound in it. At its worst, in the Bowery dialect, it makes an early bird an 'oily boid,' but of course Dr. Vizetelly's friends don't speak that kind of English. And, of course, the educated New Yorkers don't know they put in that *i*, but we Bostonians hear it, and marvel.

To return to the trilled *r*. Have you ever heard a Westerner say 'vir-r-rile'? I wonder if Dr. Vizetelly really hears the word that way in the 'boundless West.' But that is just the way the English say it! They *do* trill the *r* between vowels. If that is an indication of virility, England is still safe.

FRANCIS H. ALLEN



WHY DO THEY?



For the last eight years more people have crossed the Atlantic on Cunard ships than on any other line or group of lines. Consistent patrons these...whose names reappear again and again on Cunard passenger lists...there must be a reason! From a sound dollars-and-cents viewpoint alone Travel via Cunard has always been a "good buy"...offering the choice of the largest number of ships...every type of accommodations...from the ultra-luxurious to the modest...and always the utmost value for your money. The overwhelming and consistent preference for Cunard ships cannot be



measured in terms of money only... the distinction... the atmosphere... the perfection of a Cunard crossing have played their part. There is the unique feature of the à la carte menu, at no extra charge... the deft, competent service of the Anglo-Saxon steward "born to his work" and perfected by years of apprenticeship and experience... there is the all important convenience of an almost daily service... 123 sailings to Europe from April 1st to August 16th. And last, but not least, there is the indefinable Cunard tradition, the "know how", bred of 91 years of steamship management.

Not content with past glories and achievements... Cunard announces the building of the new Super-Cunarder that will write a fresh chapter in the history of transatlantic travel.

Your Local Agent or 25 Broadway, New York

CUNARD



It is only fair to a distinguished inventor to print this note.

NEW YORK, N. Y.

DEAR ATLANTIC, —

May I, as one who has lived through the history of the vacuum-tube development which is portrayed by Mr. George W. Gray in your December issue under the title 'Aladdin's Lamps,' point out an error in chronology? The article states that the high-vacuum tube came before the feed-back circuit. This is incorrect. The feed-back circuit preceded the high-vacuum tube both in time of invention and in time of introduction into the field of commercial use.

Very truly yours,

EDWIN H. ARMSTRONG

Sentimental waxwings.

UNIVERSITY, VIRGINIA
February 1, 1931

DEAR ATLANTIC, —

Mr. Huxley's delightful article, 'Bird Mind,' in the October *Atlantic* recalls a charming bit of courting I watched in New Hampshire early one rainy morning. Just outside the front windows of the old farmhouse was a large snowball bush, so loaded with blossoms that the added weight of the rain had bent a branch of it almost horizontally across the window. On this branch sat a pair of cedar waxwings completely absorbed in the game they were playing and quite oblivious of both the rain and my presence on the opposite side of the glass. One held in his beak a small snowball blossom. His mate hopped up to him and took the blossom in her beak and hopped off a few inches, where she waited, looking rather self-conscious, until her lover slipped up and took the flower back. They repeated this exchange until the blossom was literally worn out; all the time they were chirping softly to each other.

It seemed a surprising exhibition of playful sentimentality in birds I had known only as silent and debonair cherry thieves.

MARJORIE JOY PAUL

Spiders.

SANTA BARBARA, CALIFORNIA

DEAR ATLANTIC, —

In the October *Atlantic* Sir John Campbell related an Indian experience with what he referred to as 'spiders.' The incident seemed to have aroused a modicum of editorial skepticism, which, however, was apparently readily dispelled by deliberate appraisal of the author's record and personality. Possibly the editor will be pleased to find corroborative evidence supporting his judgment of Sir John's veracity in the following experience nearer home in a semitropical region of Mexico.

In March 1929, I ventured into that part of the

State of Jalisco which the Ameca River and its tributaries have carved into curiously precipitous, Brobdingnagian mountains. Our way zigzagged across astonishing *barrancos*, the evening's destination sometimes visible from where we mounted in the morning, down and up through a flora ever changing with elevation. Sometimes it lay beneath league-long walls of granite, where it followed the river bed tediously. Over most of the distance my mule picked her way imperturbably between boulders and across gravel washes, following a trail wholly invisible except where it reassuringly mounted the bank and became a thorny lane through bottom land in the embrace of some meander. Down these shady vistas my guide, the faithful Pedro, would plunge to warn against the nettle, 'mala mujer,' and to cut away with his machete such vines and branches as ended the ride of David's son.

At the elbow of a meander the current often deepened and swung hard against overhanging cliffs. Pausing in midstream on one of the fifty crossings, his *calzones* rolled high on his thighs, Pedro suddenly turned and shouted: 'Mira, mira, señor!' at the same time pointing to a shadowy cliff of perhaps fifty feet encircling a sharp bend in the river.

I could see nothing except the swirling current and the cliff above it, brownish black with some mossy growth. Unwittingly Pedro had shown me much that was strange in this fantastic country; and again, though mystified, I appreciated his eagerness to share with me his interest in whatever new thing might be here. He then let fly a pebble, which struck sharply and caromed on the curving surface. It was as though Pedro had waved a wand. Immediately the moss appeared as if melting away; presently all had vanished save a patch of a couple of square yards. A second well-aimed stone, and that vanished likewise, leaving naked gray granite which a second before seemed dark with moss.

Pedro motioned me toward the cliff. I followed, half prepared to see the cliff open to his touch. But after all Pedro was a simple, kindly peon and no wizard. Below the cliff the eddying water was covered by a porous mat of daddy longlegs, story on story of them. Patches became detached and were borne off on the current. But they soon dissolved and got nowhere. The base of the cliff at the water line swarmed with tangling legs. There was a curious unceasing, silent movement of thousands of hair-like legs supporting mere dots of bodies traveling shoreward over layer on layer of their fellows. An enormous colony had been disturbed at some stage of its progress wherein it seeks the damp and shade of an overhanging river bank.

Twice on later occasions I bathed in pools beneath walls clothed with these creatures, careful lest I destroy their communal peace and equilibrium and my bare body go dark as the cliff under myriads of legs, and I then have to bathe more in earnest to remove the curiously faint but distinct, sweetish, fetid odor of them.

RICHARD N. HUNT